00027048

THE
ASIATIC SOCIETY OF BOMBAY
Town Hall, Bombay.

Digitized with financial assistance from the
Government of Maharashtra
on 28 September, 2015

SPEECHES

OF

THE RIGHT HONOURABLE

CHARLES JAMES FOX.

VOL. III.

Strahan and Preston,
Printers-Street, London.

THE

SPEECHES

OF

THE RIGHT HONOURABLE

CHARLES JAMES FOX,

IN THE

HOUSE OF COMMONS.

B. 2953.

IN SIX VOLUMES.

VOL. III.

27048 oc

LONDON:

PRINTED FOR LONGMAN, HURST, REES, ORME, AND BROWN,
PATERNOSTER-ROW;
AND J. RIDGWAY, PICCADILLY.

1815.

RR. ob 1

528.4202
Fox/Spe
27048

CONTENTS

OF

THE THIRD VOLUME.

			Page
1784.			
July	16.	Mr. Pitt's Bill for the Government of India	1
Aug.	2.	Bill for the Restoration of the Estates forfeited, in the Rebellion of 1745	14
	10.	Commutation Act	15
1785.			
Jan.	25.	Address on the King's Speech at the Opening of the Session	21
Feb.	9.	Westminster Scrutiny	26
	21.	The Same	34
March	9.	The Same	41
Feb.	28.	Nabob of Arcot's Debts	45
	22.	Irish Commercial Propositions	54
March	3.	The Same	61
	11.	The Same	64
May	12.	The Same	69
	19.	The Same	102
	23.	The Same	106
	30.	The Same	122
July	22.	The Same	138
April	18.	Mr. Pitt's Motion for a Reform in the Representation of the People in Parliament	145
	20.	Repeal of the Cotton Tax	152
	29.	Mr. Fox's Motion on the State of the Public Revenue	155
1786.			
Jan.	24.	Address on the King's Speech at the Opening of the Session	166
Feb.	17.	Mr. Burke's Accusation of Mr. Hastings	179
March	3.	The Same	184
	6.	The Same	189
	17.	The Same	191
Feb.	27.	Mr. Pitt's Motion for Fortifying the Dock Yards	198

1786.			Page
March	2.	Motion for the Repeal of the Shop Tax	202
	29.	Mr Pitt's Plan for the Reduction of the National Debt	206
April	6.	Arrears of the Civil List	214
June	1.	Articles of Charge against Mr Hastings — Rohilla Charge	216
	13.	Articles of Charge against Mr. Hastings — Benares Charge	244
1787.			
Jan.	23.	Address on the King's Speech at the Opening of the Session	251
Feb.	2.	Treaty of Commerce with France	260
	5.	The Same	263
	9.	The Same	268
	12.	The Same	272
	15.	The Same	284
	16.	The Same	286
	21.	The Same	292
March	7.	Mr. Fox's Motion respecting the Nature and Extent of Parliamentary Addresses to the King	298
Feb.	7.	Articles of Charge against Mr. Hastings	304
April	2.	The Same	307
March	28.	Mr. Beaufoy's Motion for the Repeal of the Test and Corporation Acts	310
April	24.	Mr. Fox's Motion for the Repeal of the Shop Tax	318
	30.	The Prince of Wales's Debts	321
Nov.	27.	Address on the King's Speech at the Opening of the Session	329
Dec.	5.	Subsidiary Treaty with the Landgrave of Hesse Cassel	338
	10.	Augmentation of the Land Forces	339
	11.	Impeachment of Mr. Hastings	346
	12.	Right of Petition	352
1788.			
Feb.	8.	Sir Elijah Impey's Complaint of sundry Libels published against him	355
	14.	Mr. Fox's Complaint of a Pamphlet respecting the Impeachment against Mr. Hastings	363
	25.	East India Declaratory Bill	368
March	5.	The Same	371
	7.	The Same	371
	13.	Mr. Fox's Motion for the Repeal of the Shop Tax	379

1788.			Page
April	18.	Conduct of the Admiralty with regard to the Promotion of Admirals	382
May	9.	Abolition of the Slave Trade	387
		Charges against Sir Elijah Impey	392
Dec.	10.	King's Illness — Regency	398
	12.	The Same	405
	16.	The Same	414
	22.	The Same	428
1789.			
Jan.	6.	The Same	438
	19.	The Same	446
March	10.	Address on the King's Recovery	458
April	2.	Mr. Fox's Motion for the Repeal of the Shop Tax	461
	27.	Mr. Hastings's Petition, complaining of Words spoken by Mr Burke in Westminster Hall	465
May	1.	The Same	474
	4.	The Same	484

SPEECHES

OF THE

RIGHT HONOURABLE

CHARLES JAMES FOX,

&c. &c.

Mr. Pitt's Bill for the Government of India.

July 16, 1784.

ON the 6th of July, Mr. Pitt obtained leave to bring in a bill for the better regulation and management of the affairs of the East India company, and of the British possessions in India. This act, though framed upon the same model with that brought in by Mr. Pitt in the last parliament, yet differed from it considerably in several material points. The powers of the board of controul, which, in contrast to the plan of the late ministry, and in compliance with the temper of those times, was kept as subordinate as possible, were now greatly enlarged. In cases of urgency, which might not admit the delays of consultation, and in cases of secrecy, which might not admit of previous communication, they were enabled to issue and transmit their own orders to India, without their being subject to the revision of the court of directors. It also vested in the governor general and council an absolute power over the other presidencies in all points relative to transactions with the country powers, and in all applications of the revenues and forces in time of war, with a power of suspension in case of disobedience. — The second part of the bill contained a variety of internal regulations respecting the affairs of India. The clauses relative to the debts of the nabob of Arcot, to the disputes between him and the rajah of Tanjore, and to the relief of dispossessed zemindars, and other native landholders, were adopted from Mr. Fox's India bill, with some exceptions and limitations. Various restrictions were also laid upon the patronage of the directors, and retrenchments directed to be made in the company's establishments. The third part of the bill related to the punishment of Indian delinquency. All British subjects were made amenable to the courts of justice in

England for all acts done in India. The receiving of presents was declared to be extortion, and disobedience of orders, and all corrupt bargains to be misdemeanors, and punishable as such. Power was given to the governors of the several settlements to seize all persons suspected of carrying on illicit correspondence, and, if necessary, to send them to England. Every company's servant was required, within two months after his return to England, to deliver in upon oath to the court of exchequer, an inventory of his real and personal estates, and a copy thereof to the court of directors for the inspection of the proprietors; and, in case any complaint should be made thereupon by the board of controul, the court of directors, or any three proprietors possessing stock to the amount conjunctively of 10,000*l.* the court of exchequer were required to examine the person complained of upon oath, and to imprison him until he should have answered the interrogatories put to him to their satisfaction; and any neglect or concealment herein was punished by imprisonment, forfeiture of all his estates, both real and personal, and an incapacity of ever serving the company again.—Lastly; for the more speedy and effectual prosecution of persons charged with crimes committed in the East Indies, a new court of justice was appointed, consisting of three judges, appointed by the three courts, four peers, and six members of the House of Commons: the four peers to be taken by lot out of a list of 26, to be chosen by ballot at the commencement of every session of parliament, and the six commoners out of a list of 40 members, chosen in the same manner; liberty being given to the party accused, and to the prosecutor, to challenge a certain number of the same. The act also directs, that all depositions of witnesses taken in India, and all writings received by the court of directors, and copies of those sent out by them, shall be received as legal evidence. The judgment of the court is made final, and to extend to fine and imprisonment, and to declaring the party incapable of ever serving the company in any capacity whatever. The bill met with a strenuous opposition in almost every stage. On the 16th of July, upon the motion for going into a committee on the bill,

Mr. Fox rose, and discussed the principle of the bill. He began with saying, that he rose in the present stage to object to the speaker's leaving the chair, because he found himself under the necessity of objecting to the bill *toto cælo* — in all its parts, and in its fundamental principles. He had flattered himself that the right honourable gentleman's second and third propositions, namely, those relating to the regulations, and the new judicature to be appointed for India, would be so far conformable to the opinions which he held on the subject, that he should have been able to have gone into the committee, and for this reason he had forebore to say any thing on the second reading of the bill; but now that the bill was printed, and that he was able to examine the two latter parts as well as the first, he must freely and explicitly declare, that he objected to the whole. He thought the principles of the bill the direct op-

posite of what they ought to be with regard to the regulations as well as the government; and he could never consent to the institution of the sort of tribunal stated in the bill, without giving up every principle on which he had been taught to approve of the criminal judicature of England.

As he objected, therefore, to the principle of the bill, the present was the stage in which he must deliver his opinions. He begged the House, at the same time, not to be deceived by the distinctions which it was now the incessant practice to make, between the principles and the objects of a bill. It was lately become the practice to confound the one with the other. It was often said to them, "What! would you refuse to go into the committee on a bill which has for its principle to reform the abuses of India? Would you object to a bill which is to restore the zemindars to their possessions, and which is to punish delinquents?" They thus artfully confounded the matter; for these were not the principles, but the objects of the bill. The principles were very different; and, to the principles, that was, to the foundations of the bill, the House were ever to look; and when these were not good, they were not justifiable in going to a committee, merely because the end was desirable. No man upon earth acknowledged with more readiness than he did, the necessity of the object of the present bill; no man would go greater lengths to accomplish it; but he could not accept of the principles of this bill as the means; much less could he believe that those means, if accepted, would be effectual.

With regard to the first part of the bill, namely, the settlement of the government of India, he must observe, that during the discussions on the bill which he had the honour to propose to the last parliament, it was asserted that he had violated the chartered rights of the company—and chartered rights were of so sacred a nature, that nothing but extreme necessity could justify their violation. The right honourable the chancellor of the exchequer had made the confession, that necessities might arise to justify the rescinding of a charter; and it was well he did so; for if ever a charter was completely and totally annulled, it was the charter of the East India Company by the present bill. He by no mean brought this as a charge against the right honourable gentleman: it was his opinion that the charter of the company ought to be annulled: it had always been his opinion, that no charter ought to exist pernicious to the community whom it affected, and that the rights of a few ought not to stand in competition with the well-being and happiness of the whole. This had always been his opinion, and the chancellor of the exchequer had come over to it. He had abandoned his former opinion on this

subject. He repeated, that he by no means brought this against him as a charge; on the contrary, he wished to God he had abandoned all his other opinions, and all the principles on which he came into office — he should like him and his ministry the better.

When the right honourable gentleman brought in his former bill, he said that his entrenchment on the charter of the company was not a violation, because he had the consent of the company. On the present occasion, however, the House had heard of no consent. The consent, indeed, which the right honourable gentleman then stood upon was a fallacy; because in a community like the East India company, the consent of every individual proprietor was necessary to a surrender, and could only make it legal; for where every individual proprietor of stock was concerned and involved, it was a fallacy to say that a resolution of the general court, hastily convened, poorly attended, or even consisting of a majority, could make a surrender of the properties of those who were absent. Then it was a delusion; but here this circumstance was wanting: there was no consent even hinted at, and in reality none had been given. He begged, then, that they might hear no more of his bill having violated chartered rights, and that therefore it was not to be borne: the present bill was guilty, if it was guilt, of equal violation; and it had this peculiar quality, that it violated the charters of the company without promising to amend the general interests of the empire.

The right honourable gentleman had abandoned his ground with respect to commissioners. He had adopted the notion contained in his bill, of vesting the powers in the hands of commissioners; and he must again repeat, that he wished to God he had abandoned all his other principles. He wished he had abandoned the principles on which he came into power — principles which were neither honourable to himself nor safe for the country. The right honourable gentleman, continued Mr. Fox, has taken notice of what my honourable friend, Mr. Francis, has said respecting the preamble of the bill. In my mind, the observation of my honourable friend is perfectly just; but the omission of the abuses by the framers of the bill has been very artful. If they had stated the grievances of the East Indies, they would have exposed the weakness of the bill; for they would have shewn, that not one of its provisions was calculated to redress the grievances which the preamble would have stated to exist. This is my idea, and I trust I shall be able to shew the House, that it is a bill calculated to increase every principle that has given rise to the calamities of India; that instead of reforming,

it is calculated to perpetuate the abuses which exist, and to put the conclusive seal to the miserable system of that country.

What, Sir, are the principles of the calamities in India? Are they, that worse men have been sent to India in the government of our affairs, than those who go elsewhere, or who stay at home? No: the men are not worse, but the temptations to delinquency have been greater, and the greater distance from the seat of government has given impunity to abuse. If this is the source of the calamity, which I contend it is, what is the remedy? Surely, that the power shall in future be given to persons on the spot here, who consequently will neither have the temptations nor the impunity. Instead of which the bill before us gives more temptation and power to the governor in India. He is rendered infinitely more capable of abuse, and he is set more above the reach of punishment. What has been declared as the next principle of our calamities? That orders from home have been disobeyed in India, and that no instructions which have been sent out have at any time been regarded. What is the evident remedy for this evil? Surely, to make the chief officer in India so directly dependant on the source of government at home, that he shall not have it in his power, whatever may be his inclination, to disobey the orders which he may receive. Instead of which, the bill adds so considerably to the powers of the governor there, that he has no check upon his ambition. If the bill had been framed by the delinquents themselves, it could not, in my mind, have been more directly calculated to perpetuate the abuses. Whether the bill may not have been framed by those delinquents, or at least by their emissaries, is a matter which it is not our business to discuss, whatever may be our suspicions.

My next principle, continued Mr. Fox, with regard to India, always has been, that whoever has the government ought also to have the patronage. The right honourable the chancellor of the exchequer may talk speciously in this House about the division of the power and the patronage; but in my mind, if there be a receipt, a nostrum for the making of a weak government, it is by giving the power of contriving measures to one, and the nomination of the persons who are to carry those measures into execution to another.

Nothing, in my mind, can be more clear than this proposition, that the concerting of the measure, and the appointing of the officer, ought to be in the same breast. Instance a great army: If a plan of operations for an important campaign was concerted by one board, would it not be the height of madness and absurdity that the power of nominat-

ing the general who was to carry that plan into effect should be trusted to another? In such a ridiculous system, where would be the responsibility? The authors of the plan, if it miscarried, would say the fault was in the officer. The nominators of the officer would say it was in the plan. Oh but, say the ministers, we know that such a system would be too absurd to last, and therefore, you see, we have the power of a negative. I am pleased that they have any thing that looks like unity; for surely nothing can be so ridiculous, and nothing so childish, as to disjoin the patronage from the government.

If, for instance, the new commissioners should send out instructions to check all farther accession of territory, all future sanguinary measures, all rapaciousness and bloodshed, and at the same time that the court of directors should appoint, which it is very probable they would do, Mr. Hastings to carry their instructions into execution—does not the bare statement of the case shew the complete absurdity of the idea? Theories which do not connect measures with men are not theories for this world; they are the chimeras with which a recluse may divert his fancy, but they are not principles on which a statesman would found his system. Mr. Hastings, for intance, has declared his mind. He has shewn us, by the experience of many years, that he determined to disobey orders which tend to peace. But what are all the instances, compared to that daring act of disobedience, his not carrying into execution the orders for the restoration of Cheyt Sing? [Here Major Scott said across the table, "No "such orders were ever sent."] Mr. Fox went on. He thought there were; but should he be ordered to replace Cheyt Sing, after he has declared that he will never consent to so degrading an instruction, what must be the feelings and sentiments of India on the occasion? Would they not say, these are pompous words; you preach out charity to the ear; you say peace, peace, when there is no peace; you tell us that the sanguinary system shall be no longer pursued, and in the same breath you continue a person in power, of whom a learned gentleman (Mr. Dundas) some time ago, said, "that he never went out of Bengal without carrying blood and devastation in his train: that he never paid a visit to the borders but for the imprisonment of some prince, or the extermination of a people." What other can we conceive of such inconsistency, but that you design to cheat us? We can have no opinion that you are serious. You have all along given the same instructions to the same man; he has always disobeyed them, and we, therefore, have no longer confidence in your sincerity.

But the negative provides against the appointment of improper officers. The commissioners have a negative, and therefore they have full power. Here, then, is the complete annihilation of the power of the company. Ministers take the complete government into their hands, and here is a full and direct violation of chartered rights. That the bill originated in India, or that it was in all its parts suggested by men who had imbibed the politics of India, he verily believed. It was a scheme of dark and delusive art, and seemed to be built on the model of the attack made on the great mogul and the king of Bengal. It worked upon the company's rights by slow and gradual sap. The first assumption made by the minister was the power of superintendence and control. What he means by this power I cannot easily imagine. Does he mean such a superintendence and control as this House has over ministers? No; for this House has not the power of giving official instructions. It is to be an "active control:" and this is the next step. An active control is not a very clear species of authority, and may be carried to a very great length, until at last they give a full exposition of their views, and seize upon every thing but the shew of authority. Such, exactly, I am informed, was the plan by which the great mogul and the king of Bengal were reduced to what they now are.

To this artful and progressive scheme I peremptorily object. If it be right to vest the powers of the court of directors in a board of privy counsellors, to which however I should object, it should, at any rate, be done openly. A great nation ought never to descend to gradual and insidious incroachment. Do what you wish for openly; and shew the company that what you dared to do, you dare to justify. If the question were merely, whether the powers ought to be continued in the hands of the directors, or put into the hands of a board of privy counsellors, I should not hesitate one moment to give it to the latter; but, unquestionably, I do not approve of the idea of giving it to a board of privy counsellors.

The great object in settling the government of India is to contrive the means of separating the commerce from the revenue. The right honourable the chancellor of the exchequer, who is infinitely more fond of talking about looking our situation in the face than he is of really doing so, has not upon this occasion, and in this instance, looked our situation in the face. I took much pains in my enquiry concerning the commerce and the revenue. I consulted with every one capable of giving me instruction, or of suggesting the means; but I could not devise the means of really and bene-

ficially separating the commerce from the revenue. I found that they were so involved, as to be for a time at least inseparable. I found that the revenue was absolutely necessary to the conducting of the commerce, and that the commerce was essential to the collection of the revenue. I felt the difficulty. I agreed with some of the most intelligent men, that a separation might be effected by time, but I looked our situation in the face, and finding the necessity of the state called for the government of India, I took the commerce as well as the government. This was my measure, and the House knows the cry which was circulated throughout the country. What is the measure of the right honourable gentleman? The board may send instructions to India in commercial matters, where they think the revenue is concerned. The chancellor of the exchequer, and one of the secretaries of state may do this. But if the company should conceive that the subject of the instructions is merely commercial, they may appeal—appeal to whom, from whom? Appeal from the chancellor of the exchequer, and one of the principal secretaries of state, for the time being, to the king in his council? What, will not the king in his council advise and take the opinion of the chancellor of the exchequer and the secretary of state? Or is it insinuated by the bill, that the security of the company consists in the appeal being from the ostensible advisers of the king to the secret junto, who are really the efficient ministers of the country? Is this, which has been with so much probability suspected to be the case, now to be acknowledged? Or is the appeal any thing more than a fallacy and a farce?

Here, then, is the difference between my abominable bill and the bill of the right honourable gentleman; between my bill, which has excited so much clamour, but upon which I am ready now, and ever shall be, to appeal from the public to the public; not doubting but that, however they were deluded by the nonsense of epithets for a time, they will form a true judgment at last. By my wicked bill the commerce was taken as well as the government. By this bill, if the commissioners do meddle with the commerce, the directors have the glorious privilege of appealing from the minister to the minister. My bill placed the commerce in the hands of nine gentlemen, who either were at that time, or had been formerly, in the direction, and who consequently were competent to the care of it. This bill gives government, territory, revenue, and commerce, to a board of privy counsellors. This is a bill, in my mind, calculated to perpetuate weakness. It perpetuates weakness by dividing the power. Leave the entire powers with the directors, or take them entirely away. There is no middle course to be run.

I have been told since I came into the House this day, that the clause of secrecy is to be withdrawn. I am glad to hear it, if it is meant fairly. It would have been highly absurd that such a contradictory system should have been established under the name of a government, where orders might secretly be conveyed to India by the commissioners, at the very moment when they were giving their open countenance to instructions to be sent from the directors of a quite contrary tendency. It would have been a farce, a child's play, rather than a government, to suffer such a scheme of dark intrigue.

I now come to speak of the influence which has been made so much a topic of declamation and of clamour. I do not scruple to say, that I would infinitely rather see the influence erected at home than abroad, because I am sure that at home it would be much less than abroad. Will any man tell me, that if Mr. Hastings had been at home he would have been able to do the same things which, with his long arm, he has been able to do in India? Could he have withstood the resolutions which the learned gentleman (Mr. Dundas) so much to his honour, moved against him two years ago? Or could he have had such influence as to have worked upon the same learned gentleman, after he had made the declaration which I have recalled to the memory of the House, namely, that Mr. Hastings never went to the borders of Bengal, without having in view the imprisonment of a prince, or the extermination of a people, to state to the House much in his praise, and very little in his disfavour, and to say, that his recal was only a matter of expediency at the time? Could such a conversion have been accomplished by any person in England? No, Sir, it is the great India governor at Calcutta whose influence I dread.

But, say ministers, the plan of succession by seniority and gradation will destroy the great influence of the chief governor in India. Is this true? Are all captains alike? all majors, all colonels, all appointments of the same rank, civil and military? No, the source of influence in India is the service on which they are sent. One captain may be sent to one place, and another to another; one to Benares, another to Oude; and the great object is to procure the lucrative instead of the valueless destination. Hence, then, the absurdity of the projected scheme of seniority and gradation. By such a scheme you take from the power at home the means of securing the attachment and loyalty of the inferior. Compare it again to an army. The general must undoubtedly be invested with powers sufficient to the execution of the measures intrusted to him; but at the same time he should con-

stantly know, that his authority is derived from a source to which all his army look up for preferment, and from which alone he can draw security for himself. Establish the principle, that all his officers and men should be advanced according to seniority and gradation, leaving to him the sole authority of sending this colonel to one service and that to another, and what is the consequence? That the army becomes the property of the general more than the king. Just so of the company. If the civil and military officers do not look to home for preferment, if their fortunes are to depend solely on the chief governor, what more have they to do than to court his favour, by entering into his views. If he should desire to disobey the instructions, his army is ready to support him, for the parent power has yielded up the means of drawing the expectations of the body to itself. Unhappy land! thus art thou devoted to the continuance of that pernicious system which has devastated thy fields, which has drenched itself in thy blood, and fattened on thy spoils! Thus, miserable people, are you to be abandoned to the merciless and insatiable lusts of a successive band of sanguinary adventurers, before whose eyes no punishment is set up equal to the temptations which the luxuries of your land present to them! Would it not be better to say to the governor which you shall send out, act as you please in Hindostan for these four years to come? Do as you like; all I shall require from you is to give me an account of your transactions when you return?

My bill was charged with erecting a fourth estate in the legislature. Did it erect any estate which did not exist at the time? The court of directors was the fourth estate, and my bill only changed the nature of that estate. It changed it from an estate without efficacy, to one which promised to have it. It changed it from one which, from its quality, was liable to much delusion, to one which, by being incessantly under the eye and inspection of parliament, was less liable to imposition, or to misconduct. It changed it from one not controlable, to one constantly under check, and removeable by address from either House. Could the commissioners have continued in office one moment after an address? They could not, like the present ministers in the last parliament, come to reason against the address. They must have retired. If that board had been nominated and removeable by the crown, I may venture to suspect that the bill would not have been so harshly treated in another House.

Had I made the board removeable by the crown, it might not have been so palatable to the last House of Commons; but to the other branches of the legislature, I think I may ven-

ture to suspect it would have been more agreeable. I have been accused of grasping at power. Did I shew such a disposition? The road was open. I had only to be instrumental to the influence of the crown, to the increase of that influence which I had contributed to diminish, and the road to power was open. But it would neither have been honourable to myself, nor safe for the people. I chose my course; and I do not regret the personal consequences. This bill, on the contrary, increases the influence of the crown, without reforming the abuses of India; it goes a length which mine never presumed to go; and, indeed, it is too much the character of the present ministry to subject the country to very great and alarming inconveniencies, for very uncertain, and, at best, but very slender good.

With regard to the regulations which are proposed with respect to presents, I think that in the year 1784 they are idle and ridiculous. They were made in the year 1773. They were then made as strong as they can be now, and they have been of no avail. The only efficacious plan of putting an end to this and every other abuse is, by the institution of a vigorous government. Place vigorous powers in the hands of men constantly under the eye of parliament, and what are the consequences? If they should come down and say, "We sent out strict injunctions, but they have been disobeyed," the answer would be apt and conclusive, "Why do you not remove the disobedient officer? Instantly appoint his successor, and bring home the delinquent." Such was the prospect which I had in the appointment of commissioners; and so far am I from thinking that the institution of such a board would have given immense influence to the ministers who should appoint, that even now, when I shall hardly be suspected of wishing permanency to the ministers in being, I am most earnestly desirous that they should invest commissioners with the complete power of the Indian affairs; so anxious am I for the permanency of the Indian government.

But I was asked, why should the Indian government be rendered more permanent than the British? It is more necessary, in my opinion, that there should be more permanency in a distant government than in a near one. Shocks in the one cannot be observed when they happen, and the effect of changes might not be seen in time to be remedied. My board had not complete permanency, but it had a chance for permanency by its constitution. From what source has all the weakness of the Indian government sprung? From the variations which happened in our government at home. Why has Mr. Hastings presumed to disobey the orders of government? Because he has dependence on a party, which, in the

chance of changes may be able to protect him by the time that his disobedience is known. I see an honourable gentleman (Major Scott) smile. Perhaps that honourable gentleman's smile means to insinuate, that his great friend's dependence is on a power not liable to the changes of party, and from which all the calamities of the reign have originated. Perhaps it is too true, and too visible, that the present bill is the production of the same fountain. The time may come, and I trust it is not far distant, when the eyes of that quarter will be opened to the true interests of the crown and the people.

To sum up my objections to the first part of the bill, they are these. It provides for a weak government at home by the division of the power; and it perpetuates the abuses in India, by giving additional authority to the officers abroad. It is unstatesman-like in its principles; for it absurdly gives the power of originating measures to one board, and the nomination of officers for the execution of those measures to another. It increases influence without vesting responsibility; and it operates by dark intrigue, rather than by avowed authority.

In regard to the second part of the bill, consisting of the regulations, I think, and always did, that the zemindars and polygars ought to be restored to their possessions, and that the rents should be fixed and settled by a rule of past periods, and not of future inquiry. Begin fresh inquiries and assessments, and you give authority to the very evils which you profess to remove. I consider all the prohibitory clauses against presents, as mere words, and must do so in recollecting how much has already been tried, and to how little effect.

Mr. Fox here referred to the conduct of General Clavering, Colonel Monson, and Mr. Francis, of which he spoke in the most handsome terms; he alluded to the memorable expression of Lord Thurlow, "that he wished the ship had gone to the bottom that conveyed them to India;" an expression which he softened, by saying, that he made the wish "because he could spare them out of the world." He treated this language in terms of strong indignation.

The third part of the bill, which he should take notice of, was that which related to the mode of trial intended to be adopted, instead of a trial by jury. He had no objection to that part which legalized evidence to be taken in India, and properly transmitted here; but what he never could give his assent to, was the abolishing the trial by jury; for although it was equally necessary for both judge and jury to possess a sound head, good sense, and an honest heart, yet the nature of their stations were widely different, one was to judge of the

matter of fact, the other of the law; the jury had merely to consider of the evidence before them: and the only similar trial to the one in question that he knew of, was that of a court-martial; but that materially differed, as every soldier at the time of his enlisting knew what tribunal he must submit to; but in the present instance, persons gone out to India went out on the faith of being tried, if occasion offered, by the then known laws of the land, and not by any arbitrary mode that might be afterwards adopted; and if the present bill was not to affect any that were already gone abroad, it was, in fact, doing nothing. In a court martial a man was tried by his peers, by men brought up in the same school, in the same profession, with the same notions of honour and discipline; but here was a material difference, and as the clauses were framed, it appeared to him intended more as a screen for delinquents, than as a punishment; for there were but two kind of accusers, and who were they? Why, the company or the crown. Now, supposing Mr. Hastings coming home; would the attorney general accuse him? No; certainly he would not, for the grave chancellor had declared the man innocent already. Well, then, would the company accuse him? Certainly not; for it would be an absurdity to suppose that the company who were his servants, his domestics, would dare to accuse him; therefore the tribunal might fairly be called a bed of justice, for justice would sleep upon it.

The India company would be sure not to accuse him, for at the time he was committing the depredations in Oude, to stop the mouth of the company, he sent them home an investment; and to curry favour, employed the son of the chairman, in direct opposition to the orders he had received from home; of course he was secure from the company, and had nothing to do but to make his peace with government; for he certainly was as much at their mercy as he would be in the most arbitrary and despotic country that ever was formed; for the mockery of three peers to be chosen, and six commoners, was absurd to a degree, as every person must know that the crown would have the appointment of the whole, and what chance did an individual stand who was to have the crown for his accuser, and to chuse the judges, to try and determine? He was extremely severe on the reflections that had been cast on him, relative to invading the charter, and pointed out by what means it would now entirely be taken away from the proprietors; therefore he cautioned them to be careful, not in the blindness of their zeal for a man, however fair his character might be, to suffer him to do that which they would hereafter be sorry for, when too late. He concluded by say-

ing, he would not trouble the House any more at present, as he should have an opportunity in the committee, and he hoped several times before the bill passed, of pointing out to the country the danger there was in passing this bill, and the mortal stab it would give to the constitution of this country.

After a long debate, the House divided on the question, That the speaker do now leave the chair,

	Tellers.			*Tellers.*	
YEAS	Mr. Rose Mr. R. Smith	271	NOES	Lord Maitland Mr. Sheridan	60.

So it was resolved in the affirmative.

BILL FOR THE RESTORATION OF THE ESTATES FORFEITED IN THE REBELLION OF 1745.

August 2.

THIS day Mr. Dundas moved for leave to bring in a bill to enable his majesty to grant to the heirs of the former proprietors, upon certain terms and conditions, the Forfeited Estates in Scotland, which were vested in a board of trustees by an act passed in the 25th of George the second, and to repeal the said act. Mr. Pitt seconded this motion.

Mr. Fox said, the proposition had his most hearty approbation. The execution of some, and the confiscation of the estates of others, had sufficiently atoned for their crimes; and their descendants had been punished by forty years deprivation of their fortunes for the faults of their ancestors. The principle of restoration was just, generous, politic, and humane, and he did not see that any one could form an objection to it. He approved so much of the principle, that he thought the proposition ought not to stop where it did; if the principle was good, it ought to be carried as far as it would go, and, therefore, it ought to extend to all forfeitures of estates in England, as well as in the highlands of Scotland for the same rebellion. Gentlemen would feel, that he alluded particularly to the case of a noble lord, to whom he had the honour of being related, he meant the Earl of Newburgh, the present representative of the Derwentwater family. He did not wish to speak of crimes long since committed, and long since atoned for; nor did he mean to justify rebellion; but this much he

would say, that there were circumstances in the case of the Derwentwater family, which palliated, excused, nay, did every thing but justify, the treason committed by it. He was aware, that with respect to the Derwentwater estate, there were difficulties, which did not exist in the cases then before the House, as the former was appropriated for the support of Greenwich hospital; but he submitted to the consideration of the chancellor of the exchequer, whether some means might not be devised to extend the munificence of parliament to Lord Newburgh, to which he had as good a claim as those who were now about to enjoy it; the principle was equally applicable to all; and though he was convinced no partiality existed in the minds of those who patronised the present measure, still it would be more complete and free from cavil, if the English estates were restored as well as the Scots. He did not expect that any thing would be done in this session for Lord Newburgh; but he hoped the right honourable gentleman would turn the case of that noble lord in his mind, so as to be able to propose something on that head next year.

As this measure had for its object the relief of individuals, whose unequivocal attachment and loyalty to his present majesty and his family could not be supposed to be tainted or affected by the crimes of their ancestors, it met with the perfect approbation of the commo

COMMUTATION ACT.

August 10.

ON the 21st of June, Mr. Chancellor Pitt moved several resolutions, as the foundation of the act, since known by the name of the Commutation Act. He stated to the House, that the illicit trade of the country had of late increased to so alarming a height, as to endanger almost the very existence of several branches of the revenue, and more particularly that of tea. It had appeared before the committee on smuggling, that only 5,500,000lb. weight of tea was sold annually by the East India company, whereas the annual consumption of the kingdom was supposed from good authority, to exceed twelve millions, so that the illicit trade in this article was more than double the legal. The only remedy he could devise for this evil was, to lower the duties on tea to so small an amount, as to make the profit on the illicit trade not adequate to the risk. It was well known, that in this trade the price of freight and insurance to the shore was about 25 per cent., and the insurance on the inland carriage about 10 per cent more.

The duty on tea, as it then stood, was about 50 per cent., so that the smuggler had an advantage over the fair dealer of 15 per cent., as the voyage from England to the continent might be easily repeated four or five times in the year; he therefore proposed to reduce the duty on tea to 12½ per cent. As this regulation would cause a deficiency in the revenue of about 600,000l. per annum, he proposed to make good the same by an additional window tax. This tax, he said, would not be felt as an additional burthen, but ought to be considered as a commutation, and would in fact prove favourable to the subject: a house, for instance of nine windows, which would be rated at 10s. 6d. might be supposed to consume 7lb. of tea; the difference between the old duties on which, and the new duty proposed, might, at an average, amount to 1l. 5s. 10d. so that such a family would gain by the commutation 15s. 4d. But the principal benefit he expected from this measure was the absolute ruin of the smuggling trade, which, he said, subsisted almost entirely on the profit of their teas. Another benefit would be, the timely and necessary relief it would afford the East India company. By this regulation they would find a vent for thirteen, instead of five millions of pounds of tea, and would be enabled to take twenty more large ships into their service. The resolutions proposed by the chancellor of the exchequer were agreed to, in consequence of which he obtained leave to bring in the bill, which met with a warm opposition. On the 10th of August, upon a motion for taking the report from the committee on the bill into consideration,

Mr. Fox objected to the principle of the bill, as well as to many parts of its detail, because it was founded on a deception, and held that out as a commutation, which was no commutation whatever; on the contrary, it was taking off a tax upon a luxury, to lay a tax upon a necessary, and not only laying a tax on a necessary, but laying it in a way, at once partial, unequal, and oppressive, by making the poor pay for the rich, and taxing those that did not drink tea, in order to accommodate those who did, and to enable them to drink their tea at a cheaper rate. The bill, to have come before the public fairly, ought to have been divided, and brought in as two bills: the one, a bill declaring, that, for the better prevention of smuggling, parliament found it expedient to take off the subsisting high duties on teas, and in their stead to lay a duty of 12½. per cent. only; and the other, a bill to lay certain additional duties on windows. Had the two bills been so brought in, they would have stood upon their separate principles, and might have been separately examined and discussed. There would then have been no fallacy, no deception, nor any ground for the objection he was now stating, namely, that the bill as it stood, tended to deceive and to mislead; that it told the public it did one thing, while in fact it did another, directly the reverse of what it affected to do. The

new tax on windows, proposed by the present bill, was an exceeding heavy burden laid upon the public: he was far from saying that heavy burdens were not actually necessary: he knew they were, and however other gentlemen might think, he was convinced, that still heavier burdens were necessary and must be imposed before the country could be retrieved; but what he meant to contend for was, that when burdens were laid upon the people, there should never be practised the smallest attempt to deceive them; they should be dealt with honestly and openly, and not blinded as to the real nature of the tax, which indoubtedly they were on the present occasion, since windows had no more necessary relation to tea, than bricks, or hats, or horses, or any other of the objects selected for taxation this year.

From this remark, Mr. Fox proceeded to consider the bill as to its object; and he said upon this head, undoubtedly smuggling could not be prevented effectually by merely lowering the duty upon teas; spirits, as an honourable gentleman, a friend of his, had well remarked, were an article of smuggling equally necessary to be attended to, but no man could look at the idea of extending the principle of the bill to spirits, without feeling even more horror than they felt on the present occasion, because it was not to be borne, that men should be called on to pay a tax upon their houses for drinking spirits in them. Spirits, he observed, were a species of luxury still more than tea, and to tax all descriptions of men as the present bill did, in respect to the pretence that they might drink spirits in their houses if they chose it, was something too bad to be thought on for a moment. His grand objection to the principle of the bill was, that it was compulsory, and not optional. This was, to the highest degree, unjust and oppressive; and this it was that took from it the semblance as well as the reality of its being a commutation. As the commencement of a system of regulation of finance, it might have been unobjectionable, had it not been compulsory. If, for instance, it had been enacted, that the occupiers of such houses as chose to drink tea were obliged to take out licenses annually, after a rate proportionable to the size of their houses, in that case it certainly would have been a commutation and an optional tax; and had persons convicted of drinking tea in their houses, without having taken out such a license, been subject to a heavy penalty, he should have thought it perfectly fair and perfectly reasonable. Such a system of regulation might have been afterwards followed by other licenses for wine, &c., but as the tax stood in the bill, the drinkers of tea and those who never drank tea, were confounded together; and in order to lighten the burdens which ought to have been borne by the

former, the latter were taxed, and the poor, who had been too much pressed upon already by the taxes of the year, were to be ground down, and severely oppressed. Tea, Mr. Fox said, was, of all commodities, one of the best objects of taxation, because the best possible recommendation of any tax was, that it would be equally beneficial, whether it proved productive or not. What he meant by this, was, that if the tax proved productive, it answered that way; and, if it did not, in that case the consumption was not sufficiently great to check the consumption of some other article, the manufacture or the growth of our own country, from which a revenue equally large, might be derived. If, notwithstanding that the duties hitherto paid on teas produced 900,000l. it was really wiser to raise that money in another way, we had not, he said, heretofore been so much obliged to the East India company, as had been thought; because that position being admitted, it followed, that without having recourse to the company, the same revenue might have been obtained at home upon our own houses, and our own windows.

He took notice of the minister's readiness to concede on any point that concerned himself and his own opinion merely, and of his obstinacy in refusing to concede in the least, where the benefit of the East India company was the object. It had of late been the practice to cry up the great importance of the East India company, and to contend, that every thing ought to be sacrificed to the benefit of that company; he supposed, therefore, that as the present bill had, for one of its great objects, the assistance of the East India company, the minister, ready as he had been on a late occasion to concede his own opinion to clamour and to the arguments of opposition, would not on the present concede in the least, or consent to alter in any material respect, a bill equally unwarrantable in its principle and defective in the detail of its clauses. At times, he said, he had heard taxes for luxuries called for in his mind very idly, because many such taxes, however popular they might sound when proposed, would have tended to detriment the revenue by proving unproductive. He was not, therefore, for having the idea of taxing luxuries carried to the extent that some gentlemen wished, but when a tax was laid upon tea, which undoubtedly was a luxury, but a luxury so much in use, that it came near to be a necessary, and when that tax was so far efficient as to produce near a million yearly, he was not for abandoning that tax to lay a tax on an absolute necessary, which houses undoubtedly were. Nor was he quite so sure, that this tax upon windows would prove as productive as was expected, or that the old window tax would continue as efficient as it had been hitherto found to be. Let gentlemen remember, that when the window tax as it stood at that day, had been

last augmented and regulated, many persons blocked up several of their windows, to avoid paying it; now a tax on windows, so much heavier was imposed, it was natural to expect that they would block up more, by which means, not only the efficiency and productiveness of the new tax would be checked, but the productiveness of the old window tax would be diminished.

Mr. Fox, after various arguments against the general principle and the probable operation of the bill, spoke to several of the clauses, and animaverted on the mode in which Mr. Rose had answered Mr. Eden's remarks. The general reply, he said, had been, "Oh, we shall bring up a clause for that," and this had been repeated several times, which was a pretty strong proof of the necessity of re-committing the bill. His right honourable friend had contended very wisely and ably, that if gentlemen having three houses were not to pay for more than two, that by a parity of argument, those who had two houses ought not to pay for more than one. This was undoubtedly fair reasoning, and the fact was, that if the present were a tax on houses, and were meant to be such, every house in the possession of any person ought to pay; if he had three, all three; if four, all four: on the contrary, if it was really designed as a mere substitute for the tea tax, in that case, only one house belonging to any gentleman ought to pay it, and that the house where he himself resided, as that would be the house undoubtedly in which tea would be drunk. He declared, the only reason that struck his mind, that could be urged against charging every house belonging to gentlemen who had several, was, that it was recollected the right honourable gentleman, in opening the proposition originally, had stated, that individuals would save by paying the tax instead of paying the high prices upon teas, and it was thought that after such a declaration, it would be too much to ask a gentleman to pay for four houses, for the privilege of drinking tea in one of them. He adverted to the question about minors and guardians, and said the honourable gentleman had not answered that, by asking whether the Duke of Bedford ought not to pay the tax? Undoubtedly he ought; but as the bill stood, the mischief was, that the Duke of Bedford and a minor of a certain description, who had a fortune, not only far inferior, but scarcely equal to his support, were to pay the same exactly. Mr. Fox dwelt on this for some time, and pointed out, that by the inaccuracy of wording one of the clauses, if a person possessed a thousand, or any great number of houses, let out to more than one family each, he had it in his power to pay the tax upon no more than two of them. He explained this, by shewing, that the bill stated, that where two houses were let to more than one family, the

landlord should, in that case, be taken to be the occupier; and in another part of the bill it provided, that any person occupying more than two houses, should pay only for two. This, however, he stated rather as a proof that the bill wanted verbal correction and amendment, than as a serious objection to it.

An honourable gentleman had compared the present proposition, which compelled all persons, whether they drank tea or not, to pay a tax for it, to the custom of obliging every person in France to pay a tax on salt, but greatly in his mind to the injury of the mild spirit of French taxation. There was, he said, no degree of comparison on the score of necessity between the use of salt and of tea. The latter was clearly a luxury, and no way conducive to health, perhaps far otherwise, as many had thought. Salt, on the contrary, was a necessary, and, therefore, it was far less oppressive to oblige all the subjects in France to purchase as much salt as it was supposed a person of any given description in life would have occasion for. Mr. Fox reprobated Mr. Rose's expression, that he had a clause to bring up as a rider, at the third reading. He declared, he never had heard such a reply come from a secretary of the treasury, when a bill was in progress. Bringing up clauses by way of rider, was not a regular matter, but a mere matter of resort, when any material circumstance had, through inadvertency, escaped notice, till it was too late to insert it in the body of a bill; it was therefore an additional reason why they ought to re-commit the bill. He said, the great amendment he wished for was, that total and material alteration of the principle of the bill, the making it optional, and not compulsory. That alone, in his mind, could cure the defects of it; but as he did not imagine he could prevail on the right honourable gentleman to make that alteration, he must join issue with the honourable baronet, who had said he hoped, as the present was a bill of experiment, it would be made only a temporary bill. He thought it ought not to be rendered permanent, and indeed he heartily wished the right honourable gentleman would consent to postpone going on with the bill till the next session. A few months could make no great difference, and the matter did not press in point of revenue. The whole of the bill might be re-considered by the right honourable gentleman during the recess, and be brought forward next year under considerable improvements. Mr. Fox recapitulated his several objections, viz. that the bill held out a deception to the public on a subject on which they ought to be treated with plain dealing and with confidence; that it was compulsory when it ought to be optional; that it ground the face of the poor, and imposed a general tax on all persons, as

well those who drank tea, as those who did not drink it, and that it did not appear to him likely to put an effectual end to smuggling. Were he certain that it would operate as a material check upon smuggling, he owned he should like it much better; but he feared it would not. In the course of his speech, Mr. Fox often glanced at the East India company; and before he sat down, he reminded gentlemen, that according to the forms of the House the motion must be negatived before they could re-commit the bill; all those, therefore, who thought as he did, would join in attempting to negative the proposition.

ADDRESS ON THE KING'S SPEECH, AT THE OPENING OF THE SESSION.

January 25, 1785.

THE king opened the session, with the following speech:

"My lords and gentlemen;

"After the laborious attendance of the last session of parliament, it has given me peculiar pleasure that the situation of public affairs has admitted of so long a recess. Among the objects which now require consideration, I must particularly recommend to your earnest attention the adjustment of such points in the commercial intercourse between Great Britain and Ireland as are not yet finally arranged; the system which will unite both kingdoms the most closely on principles of reciprocal advantage, will, I am persuaded, best ensure the general prosperity of my dominions. I have the satisfaction to acquaint you, that notwithstanding any appearance of differences on the continent, I continue uniformly to receive from all foreign powers the strongest assurances of their good dispositions towards this country.

"Gentlemen of the House of Commons; I have ordered the estimates for the ensuing year to be laid before you; I confide in your liberality and zeal to grant the necessary supplies, with a just regard, as well to the œconomy requisite in every department, as to the maintenance of the national credit, and the real exigencies of the public service.

"My lords and gentlemen; the success which has attended the measures taken in the last session towards the suppression of smuggling, and for the improvement of the revenue, will encourage you to apply yourselves with continued assiduity to those important objects. You will, I trust, also take into early consideration the matters suggested in the reports of the commissioners of public accounts, and such farther regulations as may appear to be necessary in the different offices of the kingdom. I have the fullest reliance on the

continuance of your faithful and diligent exertions in every part of your public duty. You may at all times depend on my hearty concurrence in every measure which can tend to alleviate our national burdens, to secure the true principles of the constitution, and to promote the general welfare of my people."

An address, which, as usual, was an echo to the speech, was moved by Mr. Philips and seconded by Mr. Gerard Noel Edwards. The total silence which the king's speech observed, relative to the affairs of India, called up Mr. Burke; who adverted to what he considered as an unpardonable omission therein. This silence, said Mr. Burke, is indeed an alarming confession of that distress which it forbears to mention. After dwelling for some time on the enormous degree of profusion and peculation prevalent in our government in the East Indies, he pledged himself in the most solemn manner, to support his assertions with proofs the most irrefragable; and concluded by moving the following amendment to the address proposed: "Convinced, as we are, by the most decisive and most melancholy experience, that all waste of the public treasure, in the East Indies, immediately or mediately applicable to the company's use, and all division of that treasure from public service to the private emolument of individuals, must not only bring an unsupportable burthen on the natives of those countries (multitudes of whom are our fellow citizens, and ought to be the objects of our most tender concern), but has a tendency to bring home the same burthens on the inhabitants of Great Britain, we will, with a care worthy of the magnitude of the objects which such an abuse may effect, employ our most diligent researches to discover, and our best endeavours to bring to condign punishment, the authors of such misdemeanors, if they shall be found to exist."

Mr. Fox rose next, and began with declaring, that though he most cordially concurred in every thing that his right honourable friend had said on the subject of India, and thought it highly necessary that some notice should have been taken of it in his majesty's speech, nevertheless he should give the address his assent; and that he should do so, whether the amendment was carried or not. He then went into a discussion of Indian affairs, declaring that he begged pardon of the East India directors for having supposed that no system of government for India could be so bad as that carried on under their direction. Experience had shewn, that under the present absurd and miserable board of control as much peculation and corruption was carried on in India as ever. But as this subject would soon be brought forward in the House, either for advice or crimination, he would dismiss it for the present.

He desired not to be understood as pledging himself to any particular measure, by giving his consent to the present address. As far as what was in it went towards a declaration that the measures lately pursued for the prevention of

smuggling had been effectual, he had no objection, because he had been told they had; but if any thing like an approbation of that wild, unjust, oppressive and severe burden on the public, the commutation tax, as it was called, was implied under the approbation of the measures against smuggling, to that he did not assent, because he held it in utter abhorrence. It reminded him, he said, of a language that had been held during the administration of the Earl of Shelburne, of increasing the revenue by taking off taxes; an idea as absurd as ever entered into the mind of man. The commutation tax had acted exactly in the contrary way; it had added to the burdens of the people, without increasing the revenues of the country.

Having stated the hardship put upon the public by the commutation tax, and particularly reprobated it as a most ill-timed measure, it being suggested and carried at the very hour when the public were unavoidably to be galled by new and burdensome taxes, Mr. Fox spoke of the unanimity which Mr. Pitt had mentioned with so much satisfaction as marking the proceedings of the day, and advised the chancellor of the exchequer not to draw too flattering a presage from the circumstance. He put him in remembrance that the two last addresses at the opening of the two last sessions of the old parliament, had been carried unanimously, and that nevertheless the two administrations then respectively in office, had been speedily afterwards overthrown; a circumstance as little to be expected by them, and as little probable at the time, as a sudden overthrow of the present administration was or could be. — With regard to what had been said on the subject of a parliamentary reform, Mr. Fox declared himself a fast friend to a measure of that tendency, but he could not but conceive that the minister's proposing a specific proposition was the most unlikely means of obtaining the end. He proceeded to remark on a letter circulated by the reverend Mr. Wyvill, wherein the chancellor of the exchequer was said to have promised his support to the measure "as a man and as a minister." * — Of this he required

* The following is the copy of a circular letter sent by the Rev. Mr. Wyvill, to the chairmen of the several committees of the counties and cities associated for the purpose of obtaining a reform in the representation of the people.

"Nerot's Hotel, King Street, St. James's,
"Sir, "December 27, 1784.

"I am authorised by Mr. Pitt to declare, that he will bring the subject of a parliamentary reformation before the House of Commons as early as possible in the next session; that he will support his intended propos-

an explanation; to support as a minister, could literally but mean, as a servant of the king; nor could it be tortured into any other sense, unless it applied to the exertion of an undue influence, which the constitution did not acknowledge, and which, therefore, he hoped the right honourable gentleman would disavow.—He then alluded to the Westminster scrutiny, of which, he said, he would not at present anticipate a future discussion; but surely every pretension to reform was in itself a mockery, when such a power was permitted in a returning officer, as to delay the return, for years perhaps, according to his pleasure.

He then took notice of the reduction of the army, and said, that if, notwithstanding the pacific assurances his majesty received from all foreign powers of their good disposition towards Great Britain, administration had reason to suspect that something would, or only imagined that something might arise upon the continent, likely to affect the interests of this country, they would do wisely not to reduce the army any lower. He reminded ministers of the necessity for their keeping a wary eye over the conduct of the house of Bourbon, and bid them look to the preservation of the balance of power in Europe, which had ever been thought material to the preservation of the interests of this country. The management of the military force, he observed, was no part of the privilege of that House, but rested in the king and his prerogative. In fact, the army was altogether in the hands of the executive government, and in the nature of things, the conduct must be entrusted to the executive government. His majesty came to that House to ask a supply for the pay and clothing of the army, and that House

---

tions to the utmost of his strength, and that he will exert his whole power and credit, *as a man, and as a minister, honestly* and *boldly*, to carry such a meliorated system of representation as may place the constitution on a footing of permanent security. I am happy to communicate this intelligence, which, I trust, will give pleasure to you, Sir, and to every firm and unquestionable friend to the rights of the people. And from recent communication in Yorkshire, I can venture to assure you, that it is highly probable, if the borough of ———, and other respectable bodies, should be heartily disposed, on this occasion, to testify their sentiments in favour of political reformation, a vigorous effort would be made in Yorkshire, in concurrence with them, to give effectual support to the necessary measure —the improvement of our representation.

"I am, with great respect, your most obedient, humble servant,

"C. Wyvill."

"As the appearance of this intelligence in the newspapers, for some time, would do infinite disservice to the cause, I would request you to avoid that with caution; though, short of publication, I think it cannot be too generally known."

had it then in its power to check any abuse the executive government might commit in that respect: but if it were possible that a king of Great Britain could be imprudent enough to keep up too small a military force, in a moment of alarm (which certainly was not very probable, as kings were generally inclined to maintain as large an army as their subjects would pay for), he for one should think it expedient that the House should address the crown, and advise the having a larger army: he hoped, therefore, that administration would not, if they saw occasion to the contrary, think of making a further reduction of the army. Mr. Fox said, he hoped also, that administration would have the firmness, if additional burdens were necessary for funding the remainder of the national debt, and for providing an annual surplus of the nature of a sinking fund, for the purpose of diminishing that debt, to propose such measures as were necessary. Let administration be composed of what men it might, however opposite their political opinions, they might rest assured of his hearty support. The objects were great national objects, and in all such he was ready to agree.

Mr. Fox commended that part of the speech, which advised the consideration of the matters suggested in the reports of the commissioners of accounts, and said, he hoped the consolidating the duties of the customs would be among the matters so taken under consideration. He commended also Mr. Pitt's intention of moving for a call of the House, in order to procure a full attendance, when the subject of parliamentary reform should be brought under discussion, and said, he had it in his intention to propose various motions relative to India and other topics, which deserved the maturest consideration. He therefore should take advantage of the proposed call of the House, although the business of the session was likely to be so extremely important, that, in his opinion, every gentleman who had any regard for the public interests, any sense of what he owed to his country, ought to need no greater stimulative to attend constantly, than the reflection of the magnitude and multitude of the objects that must necessarily be submitted to parliamentary debate and deliberation. He reprobated the issuing attachments from the court of king's bench in Ireland. If, said he, the pillars of the constitution are to be sapped, and the sacred rights of juries are to be invaded, our expected reform is frivolous and futile. I will not say that the measure may not be necessary here, which in Ireland circumstances may render inexpedient; but I must insist, that in both cases, the meetings are precisely the same. There cannot possibly be guilt in one, and innocence in the other; and from this truth,

what alarming inferences are not to be drawn! We know the minister not to be hostile to the measure; we can therefore only argue, that in the violence of this procedure, he seeks to establish a precedent which he may find useful. He concluded with saying, that to the address he gave a qualified consent. He had interpreted it according to his own ideas; but when it was mentioned, that the "true principles of the constitution were to be secured," no person, in his opinion, could vote as he did, unless convinced with him, that causes of danger did then exist.

The amendment moved by Mr. Burke was rejected without a division; after which, the original address was agreed to.

WESTMINSTER SCRUTINY.

February 9.

AGREEABLY to the resolution come to by the House on the 8th of June last, the high bailiff of Westminster proceeded with the scrutiny during the remainder of the session, and also during the recess. Not quite two parishes out of the seven, into which Westminster is divided, were finished, when the parliament met the second time, and yet the scrutiny had then continued for eight months. It was calculated (taking into consideration that one of the parishes already scrutinized was comparatively small) that the business already gone through was not more than an eighth of the whole. Of the votes on the side of Mr. Fox, seventy one had been objected to in the first parish, and the objections made good only against twenty-five: in the same parish, out of thirty-two of the votes for Sir Cecil Wray, which were objected to, twenty seven were declared illegal.

In the second parish, out of two hundred objected to, Mr. Fox lost eighty: Sir Cecil Wray, out of seventy five, at that time objected to (for the examination was not closed), had sixty struck off.

In this state did the Westminster scrutiny again come before the House, upon a petition from several of the electors, the 8th of February, when the high bailiff, and his counsel, Mr. Hargrave and Mr. Murphy, underwent a long examination at the bar of the House, touching the practicability of carrying on the scrutiny, and the difficulties and delays attending the same. The high bailiff gave in evidence, that, calculating from what had been already done, it would take certainly not less, but probably a much longer time, than two years, to finish the scrutiny. The day fol-

lowing Mr. Welbore Ellis moved, "That it appearing to this House that Thomas Corbett, esquire, high bailiff of Westminster, having received a precept from the sheriff of Middlesex, for electing two citizens to serve in parliament for the said city, and having taken and finally closed the poll on the 17th day of May last, being the day next before the day of the return of the said writ, he be now directed forthwith to make return of his precept of members chosen in pursuance thereof." To this motion Lord Mulgrave moved an amendment, by leaving out from the word "That," to the end of the question, and inserting, "The speaker do acquaint the high bailiff, first, that he is not precluded by the resolution of this House, communicated to him on the 8th of June last, from making a return, whenever he shall be satisfied, in his own judgment, that he can so do: and secondly, that this House is not satisfied that the scrutiny has been proceeded in as expeditiously as it might have been: that it is his duty to adopt and enforce such just and reasonable regulations as shall appear to him most likely to prevent unnecessary delay in future; that he is not precluded from so doing by the want of consent of either party, and that he may be assured of the support of this House in the discharge of his duty." The amendment was supported by the Master of the Rolls, Mr. Bearcroft, Mr. Pitt, and Mr. Dundas: the original motion by Mr. Thomas Pelham, Mr. Montague, Mr. Michael Angelo Taylor, Mr. Lee, Lord North, Mr. Sheridan, Mr. Fox, and Mr. William Windham, who upon this occasion addressed the House for the first time.

Mr. Fox followed Mr. Windham. He began a speech of considerable length, with congratulating the House on the accession of abilities they had found in the honourable gentleman who had spoken before him. He then adverted to the various speakers against the motion, and answered their several arguments. He reprobated the doctrine of Lord Mulgrave, that the Westminster scrutiny had nothing to do with a reform in parliament. It had to do, he said, with the reform of parliament, and was a subject which every real lover of reform must countenance, since it amounted in reality to the disfranchisement of the city of Westminster, and with that of every other popular place in the kingdom. He observed, that the chancellor of the exchequer had very dogmatically declared, that every one who went before him had spoken to every thing but to the question really before the House; he would not dispute the right honourable gentleman's splendid abilities; he never did it, he never would do it; indeed, it would be absurd in him to dispute what he himself had always acknowledged, what the whole House admitted; indeed it would be no less absurd than to dispute the right honourable gentleman's confidence in those abilities. The right honourable gentleman sat out with saying, that he was too much upon his guard to suffer himself to be betrayed

by any temptation, to use personal asperity to any one: he wished that the right honourable gentleman's protestations and his observations upon other men had been a little less at variance; for he was sure every one who had heard the right honourable gentleman's remarks upon Mr. Hargrave, would think that he absolutely forgot his resolution not to use asperity towards any man. For his own part, he would say, that he had never heard a more unmerited attack upon any one: that gentleman had been praised, as being one of the most learned, the most able, the most indefatigable and laborious persons of his profession; but it would seem as if ability, learning, and diligence, were not the requisites for an assessor; for the House had been told that other persons would be found much better qualified for the office. Their qualifications not being founded on equality of professional knowledge, learning, and industry with Mr. Hargrave, people would be apt to inquire in what those qualifications might consist. In his opinion, integrity was one of the most necessary in a judge, and he was sure that Mr. Hargrave possessed it in an eminent degree; he believed, also, that Mr. Murphy was a man of integrity; but who could tell that he would long continue in his present office? And what a lesson would the minister's speech of that day be to his successor in advising the high bailiff? Would it not say to him in plain terms, that one assessor of inflexible integrity had been removed; his situation had been previously rendered so disagreeable to him, that he could not, consistently with his own dignity, remain any longer in his office, and to crown all, having resigned, he was held up in an odious or ridiculous light, by the minister? Was not this as much as to say, if an assessor shall presume to think for himself, he shall be publicly ridiculed, reviled, and reprimanded; whilst, on the other hand, the courtly, the complaisant assessor, who may come hereafter, may learn the way to gain the favour, the countenance, and the smiles of the minister—no trifling considerations with men who must look up to government for advancement or promotion in their profession. Mr. Hargrave was charged by the right honourable gentleman with having been himself very instrumental in causing the delay of which there had been such complaint. He would ask, if since Mr. Murphy had taken his place, the scrutiny had been conducted with greater dispatch? The contrary was notoriously the truth. The right honourable gentleman could free the high bailiff from the supposed necessity by which he thought himself bound to make no new regulation that should not meet with the approbation and concurrence of both parties. Now he would be bound to say, that the most effectual way to pro-

cure dispatch, would be to induce the parties mutually to agree to regulations; and in this Mr. Hargrave was extremely useful, as both parties had been often induced to concur in resolutions, to which they previously had entertained strong objections, but which they were persuaded to relinquish, by the engaging and soothing manners of Mr. Hargrave. It had been said last year, and had been repeated that night, that non-entities had been admitted to poll; and that the supposed or ostensible inhabitants, if the expression might be used, of persons not in existence, had been stated to be principally in St. John's and St. Margaret's. To the first part of this he would reply, that they must be credulous indeed who could suffer themselves to be led away with the idea, that puppets or figures stuffed with straw had been produced and admitted to poll at the hustings; for without this, the idea of non-entities polling was nonsense, for it must be supposed, that for every name set down in the poll books, some entity had actually appeared at the hustings. Now, he thought it might be very easy to account for the notion that had got abroad relative to non-entities having been polled. When a great many persons were assembled at once to vote, more than one at a time might give in their names and places of abode; and in the confusion the name of the voter might have been set down right, but the habitation of one might be set down in the books as if it were that of another: and, therefore, when inquiries were made for Peter in a street, of which, by mistake, he was in the poll books set down as an inhabitant, and was not found there, it was the fashion of the day to call him a non-entity; but it by no means followed that he had not a good vote, because by a mistake he was set down as an inhabitant of one street, when he really kept a house in another: and, indeed, this was not an imaginary case, for it had actually happened; and a vote was struck off from the poll, because he could not be found in the street set opposite to his name in the book; and yet he made it appear to the satisfaction of the high bailiff himself, that he had as good a vote as any man in Westminster.

Having premised thus much, he begged leave to say something upon the law of the question, and he hoped he should not leave the right honourable gentleman at liberty to say with truth, when he should have concluded, that the legality of the scrutiny stood unimpeached. What he had to say was reducible to the following heads: Statute law—the practice of parliament—and the reason of the thing. He contended then, first, that by statute, the writ was returnable on the day specified in it; and this would appear clearly from the act of Henry 6th, by which an action of debt was given to a per-

son aggrieved by any return; the act provided that such action however should be brought within three months after the meeting of parliament. Our ancestors, who formed that act, must have looked upon the meeting of parliament, and the return of the writ, as convertible propositions: or it would have been absurd in them to give a man an action which could be so easily defeated, if the practice introduced by the present parliament had prevailed in the days of Henry the 6th; for the sheriff not making any return till three months, or as it might be in the present case, three years after the meeting, no action could be brought against him, because by law it must be brought within three months after the meeting, or not at all. The next statute he would mention, was that of William III. which made it absolutely necessary that the sheriff should make his return on or before the day of meeting. In this, surely, was virtually included every inferior returning officer, who, by making their returns to the sheriff, must enable him to obey his writ, and transmit it to the crown office in due time before the opening of the session. It had been said by the learned master of the rolls, that a writ for the election of a burgess during the sitting of parliament was not returnable within any limited time. The difference between that and the present case was very striking: the king was supposed to know best when a new parliament ought to meet, and, therefore, he summoned it to meet on the day which appeared to him most proper; and it was necessary that the Commons should be fully represented before parliament proceeded to make laws; but it was different with respect to a vacancy made by death in a House of Commons already sitting; for the same reason for dispatch not prevailing, the act of William III. required only that the return should be made within fourteen days after the election: but by the new mode lately introduced, a scrutiny might be demanded or ordered, and as it was the continuation of the poll or election, the actual close of the poll not being deemed a conclusion of the election, the precept might be held even for years by the returning officer, notwithstanding the act of William III.

He next maintained, that a scrutiny, protracted beyond the exigency of the writ, was contrary to the uniform and invariable practice of parliament. In the great Oxfordshire election, the sheriff granted a scrutiny, which lasted till the day before his writ was returnable, and then closed it, contrary to the wishes and intreaties of the parties that had demanded it: he then returned all the four candidates: the House was not angry with the sheriff; on the contrary, it sat from day to day to determine who ought to have been returned

as the sitting members, and pronounced in favour of Parker and Turner, and against Dashwood and Wenman.

Lastly, he said it was contrary to the reason of the thing; for it was left in the power of returning officers to protract the return as they pleased (and who could find fault with or punish them, when they declared inexorable conscience to be the cause of the delay?) a packed parliament might meet for shameful purposes; the members of Old Sarum, Midhurst, Thirske, Knaresborough, and the like, might take their seats, whilst the representatives of Westminster, Liverpool, Bristol, Newcastle, and every populous place, were not yet elected!

A scrutiny in itself was not a measure into which a returning officer was bound to go, except in the city of London, where a provision was made for it by a special act of parliament; if he was, why was not the sheriff of Bedfordshire punished by the House for refusing it; why did not the House call to account the returning officer of Southwark, Lancaster, &c. who had also refused to grant a scrutiny? And here he begged leave to remark, that the doctrine broached by the right honourable gentleman (the chancellor of the exchequer), that let the bad votes be on which side they might, a scrutiny ought to be granted, was truly dangerous; for in cases where the majorities were very small, as in Bedfordshire, where it was only of one, and in Southwark where it consisted of eleven, &c. a scrutiny demanded by the person who had the minority, and granted, would keep the legal members out of their seats, the electors unrepresented, and leave the members of decayed boroughs to transact the business, for which such a parliament might have been packed.

He had not a doubt, then, that as this scrutiny was contrary to statute law, to the practice of the House of Commons immemorially, and to the reason of the thing, the only object that the minister could have in view was, to harass and persecute an individual, whom he had honoured, by distinguishing him from among a number of others, to make the victim of his resentment. He had always wished to stand well with the right honourable gentleman: he remembered the day he had first congratulated the House on the acquisition of his abilities; it had been his pride to fight side by side with him the battles of the constitution, little thinking that he would one day desert his principles, and lend himself to be the instrument of that secret influence, which they had both combated so successfully. He might have been prepared to find a formidable rival in the right honourable gentleman; a rival that would leave him far behind in the pursuit of glory; but he never could have expected that he would have descended

so low, as to be the persecutor of any man. I fancied, said Mr. Fox, I saw in him so much generosity of soul, so much elevation of mind, that so groveling a passion as malice could not have found an asylum in his breast. If he thinks that it is merely for a seat in parliament that I am contending, he knows me not; but I was willing to take the hard task of stemming the tide of misrepresentation, that had artfully and studiously been disseminated through the kingdom. I was desirous that the citizens of Westminster, to whom my public measures were best known, who knew even my private foibles, as I had been bred, and had always lived among them, should pass the judgment on my political conduct, and proud I am of the issue, which has taught the more distant parts of the kingdom that they were misled.

As to the election for Kirkwall, it was owing, he said, to an accident; and he declared, upon his honour, that after he had heard the greatest ornaments of this country had been sacrificed to the popular prejudices, when he heard that Lord John Cavendish had been thrown out by the citizens of York, that General Conway and Mr. Coke had lost their elections, he was sorry that, by an election for any other place than Westminster, he had been robbed of the glory of suffering in such company. He saw plainly, he said, that it was a pecuniary contest, and that his friends were to be tired out by expences. The scrutiny on both sides could not cost less than 30,000l. a-year: this was enough to shake the best fortunes. His own last shilling might be easily got at, as he was poor; but still, little as he had, he would spend to the last shilling: if, in the end, he should lose his election, it would not be, he well knew, for want of a legal majority, but for want of money; and thus should he, perhaps, be deprived of his right, and the electors of Westminster of the man of their choice, because he was not able to carry on a pecuniary contest with the treasury. He would not, however, withhold from them the satisfaction of knowing, that however zealous he and his friends might be, protraction must overcome them. His persecutors had only to be stubborn, and they must succeed.

He said that he considered the present measure, with respect to Westminster, as a succedaneum to expulsion. The case of the Middlesex election, which had been so much reprobated, had at least the merit of being more manly; for here they accomplished the same end of expulsion, without daring to exhibit any charge against the person whom they expelled. It had been alleged that the bad votes had, on his part, been poured forth from the parishes of St. Margaret and St. John. Without dwelling on the circumstance, that this had been said of every parish in its turn, he would appeal to

the good sense of the House, and ask them whether they thought him or his agents so absurd and impolitic as, even in the supposition of their using such means, that they should confine themselves to one parish only? Would they not at least have mixed their votes, and spread them over all the parishes, that they might the more readily pass unnoticed? Those who were willing to charge his agents with the iniquity of such means, would hardly suspect them of the folly of such an arrangement of the plan. Supposing that by the calculation of there being two hundred bad votes in the one-fourth part scrutinised, that in the end there would be eight hundred bad; was that any proof that his opponent would have a majority? Had any of the proceedings warranted such a belief? Certainly they had not; and when the minister, who, instead of an advocate, should have acted as a judge, mentioned St. Anne's parish, he should also have mentioned St. Martin's; but that he purposely forgot, because it would make against his calculation. In St. Anne's, where he stated the difference to be as five to three bad on the side of Mr. Fox, it was easily calculated, and would be found to be as seven to five; therefore, even supposing that Sir Cecil should strike off seven in every hundred of what he had polled, and he only five out of every hundred of his opponent's, still he should have a majority of one hundred; for by that mode Sir Cecil would strike off four hundred and thirty-four, and he should strike off three hundred; but in St. Martin's parish the difference, on the gross amount of the poll, was not more than thirty, and the number disqualified on each side would be equal. But if the doctrine was suffered of returning officers having a right to make no return, on a scrutiny being demanded, and the appearance of bad votes would be sufficient grounds to demand a scrutiny, it would be in the breast of Sir Cecil Wray, or any losing candidate, to pour in bad votes, on purpose to give a colour for a scrutiny, and by that means keep a gentleman out of his seat for three or four years. Among the various reforms, which the minister was pledged to bring forward, was one for shortening the duration of parliament; but by the maxim adopted, the election would last longer than the parliament. The committee who tried the Bedford petition, did not think themselves bound to go into the merit of the petition, but decided the one vote in dispute, and made their officer make his return; so in every case that ever came before parliament, the like custom had been pursued. The right honourable the chancellor of the exchequer had been, he said, arguing on false facts and absurd hypotheses, and had not chosen to mention the delays occasioned by Sir Cecil's making wanton

objections to votes that he could not sustain. And he must say of Lord Hood, that he had been rather patient and submissive, if not negligent of the interests of the city which had so handsomely honoured him with their choice, in not striving to do them justice in so far at least as his own seat was concerned. His election was unquestioned by all sides, and yet, under the same ridiculous and unwarrantable measure, he also was kept out of his seat, and Westminster continued totally unrepresented.

He concluded with declaring that if, to his astonishment, the House should be so far infatuated by party as to forget this night what was due to the rights of election, and the purity of representation, the question should not sleep. He assured them it should be brought on in one shape or another again and again; and he had no doubt ultimately of seeing them come to a determination favourable to the cause of the people.

The question being put on the motion first moved by Mr. Welbore Ellis, the House divided:

	Tellers.			*Tellers.*	
YEAS	Lord Maitland Mr. Sheridan	135. —	NOES	Lord Mulgrave Mr. R. Smith	174.

So it passed in the negative. The amendment moved by Lord Mulgrave was put and carried; after which the high bailiff was called in and made acquainted with the said resolution.

February 21.

It appeared from this last division, that the prosecution of the scrutiny was not defended by any thing like so numerous a majority as during the preceding session. The novelty of the case, the fear of its being drawn into a precedent, the difficulties and delays attending it, and the appearance, whether well or ill founded, that it exhibited of a personal persecution, began to have their effect in the House. It was not therefore to be expected, that a contest, which was commenced by the opposition under the most discouraging circumstances, should be abandoned at the moment when it began to take a turn in their favour. Accordingly another petition, on the 18th of February, was presented by Colonel Fitzpatrick from the electors, praying to be heard by counsel at the bar, in defence of their just rights and privileges, and to state new facts, which they were not apprized of at the time of presenting their former petition. The new facts, mentioned in the petition, related to an offer which was made by Mr. Fox's counsel, whilst in the parish of St. Anne, to go next into the parishes of Saint Margaret and Saint John (wherein Mr. Fox was stated to be most vulnerable), but this proposition was refused by the counsel for Sir Cecil Wray.

On the motion made by Colonel Fitzpatrick for calling in the counsel to be heard, an amendment was moved by Lord Frederick Campbell, "that the counsel be restrained from going into any other matter than such as may prove the evidence offered at this bar on Wednesday, the 9th of February, defective and incomplete; or into such other matters as may have arisen subsequent to the order of the House on the said day." This amendment his lordship proposed, he said, to check the counsel from arguing against the legality of the scrutiny, which ought not now to be impeached, as the House had already given judgment on that head. Lord Muncaster concurred very much with those who wished to see an end of the scrutiny, and of the expences with which the parties concerned were borne down; and he believed it was then in his power to point out a mode by which these desirable objects might be attained. It had been said within these few days, "that Mr. Fox had proposed that the scrutiny should be carried into the parish of St. Margaret and St. John:" if this was true, it would greatly facilitate what he had so much at heart; for he had then in his power to make a proposal on the part of Sir Cecil Wray, to the right honourable gentleman, which he would read as part of his speech. It was in substance, that Sir Cecil wished the scrutiny should immediately be adjourned to the parishes of St. Margaret and St. John; that Sir Cecil would then object to four hundred votes, given to the right honourable gentleman by persons, stating themselves to be resident householders of this united parish, that he would object to them, not as paupers, or persons not rated in the parish books, but merely as not resident housekeepers, as non-entities; that if he should disqualify so many as that he should obtain a majority on the poll, he should then be returned, and the right honourable gentleman would have the liberty to petition the House; that if Sir Cecil should not disqualify these votes, he would then give up both the scrutiny and the right of petitioning afterwards.

Mr. Fox observed, that as the noble lord had so personally pointed to him, he presumed it would be expected he should immediately say something in reply to so singular a proposition. It appeared to him very singular indeed, that though Sir Cecil Wray and himself were frequently together, he had not thought proper to communicate to him in private, or in the vestry room, the extraordinary proposal that had been just read by the noble lord: it was also very singular, that he should have thought proper to have it communicated to him publicly in the House of Commons. Such a proceeding he conceived to be very disrespectful; and were he inclined to make a compromise on the occasion, he would not treat the House with so much indignity as to make it a party to it. As to the proposal itself, he must say he was astonished at the impudence of it, and was really at a loss how to treat it. Sir Cecil proposed that the scrutiny should be immedi-

ately adjourned to St. Margaret's and St. John's. Amazing good nature! After his opponent had disqualified as many votes in St. Martin's as he could, and finding it was likely there would be, after all, a majority against him there, he was anxious to have the scrutiny stopped in St. Martin's, and transferred to St. Margaret's! Here, again, he seemed to make a candid offer, by confining his objections to those voters only whom he should be able to disqualify, as not being resident householders: but there was more the appearance than the reality of good nature and candour in this proceeding; for it was very well known that the principal objections on both sides were to votes given, not by paupers, or non-entities, but by those who were not such resident householders as to be entitled to a vote. But what was transcendently candid and good-natured in Sir Cecil was, that, beginning the scrutiny himself in St. Margaret's, he should be returned, if he should disqualify such a number in that parish as would give him a majority over Mr. Fox in the numbers as they stood at the close of the poll; and this, too, without waiting for Mr. Fox to disqualify in return the objectionable votes that Sir Cecil should have in the same parish. But, come what would, he would never consent to so base a compromise: he would never give up the right he had to have determined, by a Committee under Mr. Grenville's bill, the question of the return on the day on which the writ, from which the high bailiff's precept derived its authority, was returnable; and until he should be convinced to the contrary by a resolution, he would not believe that fifteen gentlemen could be found in that House, who, upon their oaths, would not determine that the power of the precept expired the moment the writ for Middlesex was returned, and consequently that the high bailiff ought to have returned him to that House on the 18th of May last.

Mr. Bankes approved of the right honourable gentleman's conduct, in not listening to any compromise in the House, whatever he might do out of it. He wished with all his heart that there was an end of the scrutiny, in which, unfortunately, the House had engaged, and out of which he wished his right honourable friend the chancellor of the exchequer fairly extricated. As to himself, he had opposed the scrutiny both in the last and the present session; he condemned it still, and he would always maintain it as his opinion, however he might differ from those whom he most esteemed, that the return ought to have been made for Westminster, together with the writ for Middlesex. However, as the House had ordered the high bailiff to proceed in the scrutiny, as the end of such a proceeding was most desirable, and as gentlemen seemed to wish only for evidence that would justify them in

ordering a return, he would wish the amendment carried, in hopes that proofs would be brought to shew, that the evidence on which the scrutiny had been continued, by order of the House, was defective and incomplete. These new proofs would, perhaps, have the desired effects; and then the business of the nation would no longer be interrupted and impeded by debates on the scrutiny.

Mr. Fox declared it was very far from his inclination, to impede the public business of the nation; and assured gentlemen they had misunderstood him, when they imagined he had said, that there should be applications made to parliament every week on the subject of the Westminster election. He had never said any such thing; but this he had said, that at every turn ministers would meet this scrutiny; they would find it standing in the way of a parliamentary reform, and defeating all its purposes; they would feel that it had raised suspicions of the minister's sincerity, in declaring himself the friend and patron of reform. It had been remarked by a learned gentleman, that there were only a few names to the Westminster petition: he did not expect to have heard such a remark; for though he might have procured thousands of signatures, if he had invited the electors to public meeting, he thought it would be better to present a petition with a few names, than to disturb the quiet of the city by a meeting in Westminster Hall. But should such remarks be repeated again, such a meeting might possibly be thought necessary. He was not at all surprised that ministers should wish to be fairly rid of the scrutiny; it was high time for them to blush at it, when they found themselves deserted on that question by the most respectable of their friends, and by none more respectable than the honourable gentleman who spoke last. A learned gentleman had said, "that the House was to be haunted day and night by the ghost of the Westminster scrutiny." The learned gentleman had, probably, assisted at some splendid representations of late in which the ghost of a guilty conscience haunted the misdoer; he might well catch the idea, and tremble for his House of Commons that had murdered the electors of Westminster, and left them aërial forms and spiritual essences, without representatives; well might he fear to be haunted by the ghost of the scrutiny; well might he fear it would push him and his friend from their stool! Where could he find a man who would not tell him he was sick of his scrutiny? Were not all the minister's friends tired of it? Did not their stomachs turn at it, not because it was nauseous from excessive sweetness, but from its extreme bitterness? Was there a learned man connected with the minister, who, out of that House, did not condemn, in the most pointed terms, the beginning and prosecution of the scrutiny? He him-

self had heard a few days ago, in another place, (the court of king's bench) a learned gentleman, who knew how to treat with invective in the House the declared enemies of the scrutiny, speak of that proceeding with greater disapprobation than he could well have conceived; for he there heard him say, that all law and sense were confounded in the scrutiny: in this the learned gentleman was right; he could wish only that he would endeavour to be right always and uniformly, and not find one doctrine for the bar and another for the senate. There was no doubt that the majority of the House most heartily wished for the end of a proceeding that disgraced it; but how was that to he accomplished? Was it by rejecting both law and reason? By refusing to hear arguments that would make the absurdity of the proceeding appear in glaring colours? The poor expedient of the amendment proposed by the noble lord, would be found truly futile, if the learned gentlemen who were to appear at the bar, had a mind to evade it; and they would be able so to connect the evidence they had now to adduce with that which had been already given, as to introduce the one whilst they were seemingly urging only the other. For his part, he did not see any expedient short of rescinding the resolutions already passed, to cure the wound that had been given to the constitution; for if the scrutiny was to be continued to the same length that the principles would go on which it was ordered, it would last for ever. In discussing this point, two great general propositions would be found to create insurmountable difficulties. One was the universal affirmative, that in every possible case whatever the House was justifiable in granting and carrying on a scrutiny, when the returning officer's conscience required it. The other was the universal negative, that in no case whatever had the House a power to order a returning officer to make a return until his conscience should be satisfied. If the latter should be denied, what would be the consequence? Why, that the former must stand impeached; for if the House must order a scrutiny whenever the conscience of a returning officer called for it, it would follow, that the House could not, consistently with this delicate regard for conscience, compel the man to return the members as long as his conscience was undetermined; and therefore a scrutiny might last as long as a parliament. From this he hoped gentlemen would perceive the absurdity of the past proceedings of the House, and the necessity of providing a remedy for the wounded constitution of the country; and none could be effectual but the expunging the past resolutions, and entering another upon the journals, passing upon the doctrines contained in them the most unreserved censure. As to the motion of amendment made by the noble lord, he hoped

it would be rejected; and that should a motion be made that the high bailiff do make his return, it would meet with no opposition; if it should, it was out of his power to say what farther applications the electors of Westminster would make to that House.

After much debate, the House divided on the amendment:

	Tellers.			*Tellers.*	
YEAS	Mr. Elliot Mr. Rose	203.	NOES	Lord Maitland Mr. Sheridan	145.

So it was resolved in the affirmative. The counsel, Mr. Erskine and Mr. Piggott, being then called to the bar, and acquainted by the speaker with the said resolution, Mr. Erskine addressed himself to the House as follows:

'Mr. Speaker; as my learned friend and I cannot submit to the 'restraint which the House, in its wisdom, has been pleased to im-'pose upon us, without departing from the positive instructions of 'the electors of Westminster, whose rights, under the law, we are 'engaged and prepared, as lawyers, to assert and support, we must 'beg leave to withdraw ourselves from the bar.'

They accordingly retired, and the high bailiff was called to the bar, and examined as to the offer made by Mr. Fox's counsel to go immediately into the parishes of St. Margaret and St. John. The high bailiff gave in evidence, that such an offer was made, and not accepted by the other party; and after being examined to some other points, he was taken very ill and obliged to withdraw. Colonel Fitzpatrick then moved, "That it appearing to this House that Thomas Corbett, Esq., high bailiff of the city of Westminster, having received a precept from the sheriff of Middlesex for electing two citizens to serve in parliament for the said city, and having taken and finally closed the poll on the 17th day of May last, being the day next before the day of the return of the said writ, he be now directed forthwith to make return of his precept of members chosen in pursuance thereof." This motion was opposed by Mr. Dundas and Mr. Pitt, and supported by Lord North. Mr. Pitt said, that if the new evidence was true, it certainly was immaterial; but he much doubted its authenticity; and as the scrutiny was now near coming to the parishes that were so ardently wished for, he thought it ought to proceed: if it appeared otherwise to the House, they were at liberty to adopt different ideas; but the matter appeared so plain to him, that he should think himself culpable if he took up much of their time in pointing out so clear a proposition.

Mr. Fox said, that the lateness of the hour, and the full and ample manner in which his noble friend Lord North had discussed the subject, made it necessary for him to say but few words. How any gentleman could disbelieve the evidence, he was at a loss to know; or how any person could say it had fallen short of expectation, was strange; for it was a plain,

simple fact that was not to be controverted; and as to the circumstance of his not being present when the proposal was made, it was well known that both Sir Cecil and himself, when they went out of town, left their causes in the hands of their counsel; and Mr. Morgan had certainly given a clear, positive answer, when he said he was not prepared. Yet it was to be laid down that it could not be possible for Mr. Fox to be unprepared on the 10th of June, and ready on the 10th of July; but it was possible that Mr. Morgan might be prepared on the 10th of June, and not ready on the 10th of July! That it was a matter of surprise to the high bailiff that the proposal was refused was plain, for he declared that he had often since mentioned it to Mr. Grojan. But it surely was imagined that he must be an ideot, or such an indecent proposal as that exhibited by Sir Cecil, through the hands of the noble lord, could never have been made. It was nothing more nor less than this—Let the high bailiff make a partial investigation in one parish—strike off as many votes as would give him a majority—make an instant return, and leave Mr. Fox to petition against the merits. No: whilst he had a majority on the poll, he never would submit to such an indecent and unconstitutional measure; nor could he by any means consider that House as a fit party to make a compromise on a business which, agreeably to law, ought to be decided in his favour; for it was a fundamental principle, that he who had the majority on the poll should be returned, and he who, on investigation, had the most legal votes should be the sitting member. He had observed, by the questions put from the opposite side, that the high bailiff's conduct had not pleased them; he was rather too conscientious for them, and not willing to proceed in the partial manner they wished for; it was plain that they had given him some broad hints to proceed in a manner that they were afraid to avow, and ought to be ashamed to be seen in. With respect to the finishing the next parish in eight days, let them do it as they wished, and, by striking off a number, partially make a return. But hardy and desperate as they were, he trusted they had not courage sufficient to do that.

The House divided on Colonel Fitzpatrick's motion:

	Tellers.			*Tellers.*	
YEAS	Mr. Hussey Mr. Sheridan	136.	NOES	Mr. Eliot Mr. R. Smith	145.

So it passed in the negative.

The same motion was again brought forward, on the 3d of March, by Mr. Alderman Sawbridge, and the question of adjournment was moved on it by Mr. Pitt, which passed in the negative, the numbers for the adjournment being 124, against it 162. The

main question was then put and carried; and the high bailiff on the following day made a return of Mr. Fox and Lord Hood.

March 9.

As soon as the above question had been carried, Mr. Fox rose and moved, "That the entries in the journal of the House, of the 8th of June, in the last session of parliament, of the proceedings of the House, in relation to the last election for the city of Westminster, be expunged from the said journal." The debate upon this motion was adjourned to the 9th, on which day it was warmly supported by Mr. Francis, Mr. Bastard, Mr. Welbore Ellis, Mr. Powys, Mr. Anstruther, Mr. Scott, the Earl of Surry, Mr. Adam, and Mr. Sheridan; and opposed by the Attorney and Solicitor General, the Master of the Rolls, Sir James Johnstone, Sir Gregory Page Turner, Mr. Bearcroft, Mr. Rolle, Mr. Pitt, and Lord Galway. The noble lord reprobated the Westminster election, and insisted that Mr. Fox was not the legal member, for he was chosen by a mob; he had, he said, by means of a mob, prevented the legal constituents from polling, and suffered that mob to obtrude themselves on the poll. His lordship spoke in such heat, that it was difficult to understand him; the House were out of all patience, and at last his lordship sat down, amidst the disorder of the moment. Mr. Fox rose three times to begin his speech, and was as often interrupted by Lord Galway, who complained of the treatment he received from the House in not being permitted to finish what he had to say. He was checked by the chair, who told him that he was disorderly.

Mr. Fox at length got possession of the House, and began with observing, that he was particularly pleased when he saw the noble lord rise; for as the city of York had that day sent up instructions to their members to vote for rescinding those resolutions, he was in hopes his lordship rose to obey the instructions of his constituents. He felt great satisfaction in finding the electors of the city of York had not changed their principles with their representative; they had felt like Englishmen upon the proceedings of the Westminster scrutiny, and had instructed their representatives to vote against it. One of them, he said, from a natural love of equity, and a due sense of the illegality of that House taking upon itself to direct that the scrutiny should be proceeded in, after the return of the writ, had uniformly voted with him on every question respecting it. He said he was glad to see that the alarm of establishing so fatal a precedent had extended itself throughout the kingdom; and though the city of York had been the first to take notice of it, and to instruct their members to oppose the continuance of the scrutiny, he had no doubt but a similar disapprobation of it prevailed in other

places, because he was sure that all but those who were led away by motives of personal pique and party prejudice could be but of one opinion upon it. That it was illegal, that it was unconstitutional, that it was destructive of the rights of election, and injurious to that House, were facts so broad, so plain, so immoveable, that all the art, all the ingenuity, all the legal quibbles, and all the misrepresentations of the statute and the common law, that had peculiarly marked and distinguished the debate of that day, had not been able to disguise or to conceal. The right honourable and learned gentleman who spoke first on the other side of the House (the attorney-general) had, in a most extraordinary and unprecedented manner, endeavoured to supply his lack of argument with the weight of authority. He had begged the House to believe that the proceedings upon their journals were legal. Why? Because the right honourable and learned gentleman, and because others in high departments of the law, had thought proper to say they were so. This mode of appealing to a man's own authority, in confirmation of the assertions he was using for want of argument, was, Mr. Fox said, equally new and unprecedented; but it was surely a pitiful resort for any man to fly to for shelter. When the business of the Middlesex election was moved to be rescinded, and erased from their journals, he, and those who with him had voted in support of it, had not acted in so paltry a manner. That business had been honoured with the support of the present Lord Thurlow, the late Lord Walsingham, and all the lawyers of those days, who, at least, were as good authorities as the right honourable and learned gentleman, and those who sat on the same bench with him; but they never dreamt when a proposition for expunging the proceedings on the Middlesex election from their journals was in agitation, of bidding the House consider what high authorities had pronounced in their approbation; had they done so, they would have thought they acted in a mean and pitiful way. Mr. Fox took notice of the dark insinuations the right honourable and learned gentleman had chosen to throw out, and complained of the extreme unfairness of his charging him with having protracted the poll, and declaring that he had still his own opinion upon the subject. In this assertion he would not take the right honourable and learned gentleman's word. The right honourable and learned gentleman well knew that he had no more protracted the poll than Sir Cecil Wray had protracted the poll, excepting only the three last days, when unquestionably he had not yielded to the application that was made to him, of concluding the poll for the direct purpose of instituting a scrutiny. He knew also that there was no ground whatever for his insinua-

tions that there could still exist a doubt as to the real quarter from whence delay came. He knew that as fewer of his objections had failed than of the objections of the other party, he had not added to the delay of the scrutiny. If, after all that had passed upon the subject, the right honourable and learned gentleman had still opinions of his own, what sort of principles would he carry to the bench with him, when he should be made a judge; and what security could there be had in his administration of justice, who presumed to suggest and insinuate opinions contrary to all they had heard at their bar, and contrary to the *evidentia rei?*

Having expressed this with some warmth, Mr. Fox mentioned the advertisement in the newspapers relative to the bad votes stated to have been discovered in the parishes of St. Margaret and St. John, and argued upon that publication as a publication carrying upon the face of it sufficient evidence of the fallacious pretences that had been urged for carrying on the scrutiny. He also mentioned that there were but nine days more for a petition to be presented to carry the election to be tried by a tribunal competent to investigate it, and give an honest and just judgment; a tribunal, the members of which were themselves bound to decide upon their oaths, and upon evidence delivered upon oath. He said, the consideration of the expence alone excepted, he heartily wished for a petition, were it only that such dark and injurious insinuations as the right honourable and learned gentleman had suggested, might be for ever wiped away, and their truth or falsehood demonstrated beyond all contradiction. With regard to what had been said in the course of the debate, as to the law puzzling the plain sense of the argument, and leaving him an ample field to enter upon, he declared the reverse appeared to him to be the case; his learned friends had argued the whole of the law and of the constitution and common sense of the question so fully, that they had scarcely left him any thing to say. One learned gentleman in particular (Mr. Scott) had entered into the whole of the case with a soundness of argument, and a depth and closeness of reasoning, that perhaps had scarcely been equalled in the discussion of any topic within those walls that turned at all on the statute and common law, on the analogy of writs, and the sort of legal references that had been made in the course of the debate: so well and so ably, indeed, had that learned gentleman argued it, that nothing like an answer had been offered to any one of his appeals to his brethren of the long robe, or any one of his doctrines. In truth, he was convinced, it was out of the power of ingenuity itself to overthrow the positions laid down by that learned gentleman, to whom he would offer no apo-

logy for any allusion he might have made to him on a former day, since having drawn forth so masterly and instructive a speech, he considered himself as peculiarly happy in having been able to say any thing that had the good fortune to be productive of such consequences. The only attempt that had been made to reply to the learned gentleman had been by his majesty's solicitor-general, who, as the learned gentleman had stated clearly and unanswerably that the writ carried on the face of it its object and its end, had said, that the writ had a third, as well as the former two orders to the sheriff. It not only directed him to chuse a person at such a place to serve in parliament by such a time, but to take care that the person returned had the majority of legal votes at the election. Mr. Fox ridiculed this argument, and contended that it was equally weak and absurd.

He answered some parts of the master of the rolls and of Mr. Bearcroft's arguments; and took notice of what had been said by Mr. Bastard early in the debate, who had expressed his wishes that an act had been resorted to, rather than a motion to rescind the resolutions. Mr. Fox said, the reason why he did not take that method was, his extreme difficulty what sort of bill to frame for the purpose, and the risque that must necessarily be run as to the getting such a bill through the three estates. If a declaratory bill were brought in, it would be liable to every objection to which the present motion was liable; and if he were to bring in an enacting bill, perhaps it would be said by the first law authorities in the other House, (Lord Thurlow, for instance) "Why do you send your useless bills here? To what end cram your statute books with acts of parliament, pronouncing that to be law, which every body knows is law already," This, he thought, as it had been said on one occasion already, might be said again; and he was sure, it could not be said on any occasion more truly, than if he were to bring in an enacting bill of the nature in question, and that House were to pass it, and send it to the lords. Mr. Fox paid Lord Thurlow great compliments on his abilities, and said, there was also in the other House a professional peer, venerable for his years, venerable for his learning, his talents, and his integrity, he meant his majesty's chief justice of the court of king's bench, whose opinions, he believed, were the same as his own upon the subject, though he did not speak from any secret communication. He rested his belief that they were so, from the noble and learned lord, who was many years since a practical lawyer, having at that time uniformly acted upon the same ideas. Mr. Fox concluded with an earnest recommendation to the House, to do away the errors they had committed, and re-

probated the idea of its being derogatory to their honour to confess their mistake.

On a division, the numbers were,

	Tellers.			Tellers.	
YEAS	Lord Maitland Sir James Erskine	137.	NOES	Mr. Eliot Mr. R. Smith.	242.

So it passed in the negative. Mr. Fox, as soon as the division was over, urged the necessity of bringing in a bill to prevent the repetition of any such business as the Westminster scrutiny. That was now, he said, the only means of preventing the bad precedent of the 8th of June last being acted upon. Mr. Pitt assured him, it was his intention early after the holidays to bring in a bill for the purpose; but he feared it would be a bill that the right honourable gentleman would oppose, as he certainly should not be for a declaratory but an enacting bill.

NABOB OF ARCOT'S DEBTS.

February 28.

IN Mr. Fox's East India bill, the new commissioners were directed, without delay, to examine into the origin and justice of the claims made upon the nabob of Arcot; and a cautionary clause was inserted to forbid in future any of the company's servants to acquire mortgages, or have any pecuniary transactions with the native princes of India. In the regulating bill of the last session, the cautionary clause was omitted by Mr. Pitt, but the examination into the nature and circumstances of the debt is referred to the court of directors, "as far as the materials they are in possession of shall enable them to do;" and it is enacted, "that they shall give such orders to their presidencies and servants abroad, for completing the investigation thereof, as the nature of the case shall require, and for establishing in concert with the said nabob, such funds for the discharge of those debts which shall appear to be justly due, according to their respective rights of priority, as shall be consistent with the rights of the said united company, the security of the creditors, and the honour and dignity of the said nabob." The court of directors, in execution of the trust reposed in them, prepared orders to be sent to their council at Madras, in which, after stating the suspicious circumstances under which many of the debts appeared to them to have been contracted, they direct them, in obedience to the postive injunctions of the act, to proceed to a more complete investigation of the nature and origin thereof. These orders being communicated to the board of control, were rejected by them, and a new letter drawn up, in which

the claims of the creditors were all, with some little limitation, established, and a fund for their discharge assigned out of the revenues of the Carnatic, and the priority of payment settled amongst the several classes of creditors. At a meeting of such of the nabob's creditors as were in England, these orders were publicly read; and, on the ground of this proceeding, a motion was made in the House of Lords by the Earl of Carlisle, on the 18th of February, "that there be laid before the House, copies or extracts of all letters or orders issued by the court of directors, in pursuance of the injunctions contained in the 37th and 38th clauses of the regulating act of the last session." This motion, after a long debate, was rejected by the lords without a division. On the 28th, a motion to the same effect was made by Mr. Fox in the House of Commons. Upon which occasion,

Mr. Fox said the House was well acquainted with the motion which he was now about to propose. The public were also apprised, in some measure, of its intent and consequences. Whether the papers he meant to call for would be granted or not, he would not determine; but it was pretty obvious how the denial would be relished by the people in general. It seemed to be a maxim with his majesty's ministers to grant no species of information which the House had any right or reason for urging. An honourable friend of his had moved for a letter, in which it was roundly asserted, or rather avowed, that a conduct had been lately preferred by the company's servants abroad, which was in direct defiance of all the acts of parliament which had been enacted on the subject. Here was not only a gross violation of the order of the legislature, but an unequivocal avowal of that violation. When, therefore, a paper of such an extraordinary tendency was thus formally demanded, his majesty's servants would not grant it for this simple reason, that the substance of that letter was still under the consideration of the board of control. Whatever weight this might have with the House in that instance, it could have none in the present. For the object of his motion was specifically different, as it regarded papers, which recorded not any thing under contemplation, but that which was finished and complete. He augured ill of the board of control, from the moment they appeared thus peculiarly shy of their communications; and every ill omen which had presented itself to his mind, their conduct had literally justified. Why this aversion to submit their actions to the inspection of their countrymen? Why thus treat the House, who had treated them with so much distinction, as to place the whole of this trust unconditionally in them? Did such a proceeding tend to conciliate attachment, or promote confidence? Or, was

it not natural to all honest men, from the aspect which marked the whole of their conduct, that something was wrong, or at least doubtful? That no intelligence of any kind whatever, relating to the state of a country so remote, and so momentous to the British empire, had transpired in the speech from the throne, had a very suspicious appearance, and marked strongly the tenor of conduct adopted by the board of control, and the servants of the crown. How such a mode of secreting from the nation an object thus important, would suit the humour of the House, he would not pretend to say; but he saw it would produce infinite trouble to individuals, as well as much general speculation. Within these few years the public attention had naturally been much turned to the affairs of India, which were so involved with those of Great Britain, that whoever felt an interest in the former, could not regard the latter with indifference; in consequence therefore of this general curiosity and interest, three different plans had been proposed for better regulating the affairs of India. These plans he specified as having Mr. Dundas, Mr. Pitt, and himself, for their respective authors. The one proposed by the right honourable the chancellor of the exchequer had alone received the sanction of the legislature. But he mentioned them only, to remark this circumstance to the House, that materially as all of them differed in most of the topics, and chiefly in the principle to which they were directed, yet on the subject of the nabob of Arcot's debts, they so far coincided as to express almost the same language, the same ideas. The bill brought in by the right honourable the chancellor of the exchequer provided, that whatever debts were due to the servants of the company by any of the Indian princes, should be investigated, and made an object of special inquiry, prior to any step whatever being taken to effect payment. The whole provision to this purpose was highly deserving the attention of the House.

He then said, that the motion he was now about to urge, went to a direct crimination of the new board of commissioners, as acting in flat opposition to the late act of parliament, which, in this instance, at least, whatever otherwise he might think of the bill, was wise and unexceptionable. It was calculated to put a check where it was most wanted, and where it would certainly operate to most advantage. He did not think it necessary to state for the information of those who knew the history of India, what however would surprise those who did not. Nothing was more common, than for many persons who left this country, when neither in a condition to borrow great sums nor lend them, on their arrival in India, to become all at once creditors to the first princes in

that country, and that to a very considerable amount. This well-known fact would naturally lead to many conjectures. Thus much, at least, was obvious and indisputable; that such pecuniary obligations could not take place, but on the supposition, that some services were thus hired, which it was not the fashion, or convenient, to own.

He next went into a statement of the nabob of Arcot's debt, with a view, by illustrating the several articles of which it consisted, separately to shew which of these were most intitled to immediate payment. This, he contended, was in perfect conformity to the spirit of the late act, which instituted that inquiry should precede payment. And whatever should be the fate of the present motion, or the complaisance of the minister to the requisition, and the necessity of the House with respect to the information required, he was happy, as he trusted every member who wished well to the public would be, that a copy of the identical papers which he called for was before the public, and that Mr. Debrett had done that for the public which the board of control, as well as his majesty's ministers, had refused, though urged with great propriety and from motives of necessity, to do either for the company or parliament. To this publication he referred, as containing an accurate and systematic view of the subject. It was an inquiry, he said, to which every well-principled mind would unavoidably press to discover the origin, occasion and justice of those debts which were due to individuals from the nabob of Arcot. The board of directors, as they had often done, had ordered a strict inquisition to be made; and from the facts which should be brought forward, in consequence of that inquisition, some plan of arrangement might take place. But this new board of control had over-ruled the resolution of the directors; and in flat defiance of what the directors had thus formally enacted, had resolved forthwith to admit that the claims, which were at best suspicious, or unknown, should supersede those which were known and valid. This was the great question to which he begged the attention of the House, as also to the various papers which he should read on this subject. It was a circumstance which could hardly escape the attention of the House, that many of these debts bore date from the time when the presidency of Madras entered the Carnatic by an army, and attacked the kingdom of Tanjore, as it was well known, and at the express instance of the nabob of Arcot. He desired this fact might be seriously considered; he desired that it might be coupled with a variety of things which had since taken place, and especially with the order of the new board of commissioners, which his motion was intended to bring under the cognizance of the public and of the House.

It had always appeared to him, and he had always stated it as one of the greatest preventives to the authority of the direction operating with dignity and effect, that the servants had, by peculation and intrigue, acquired a sovereignty over their masters. Here, then, was the same dreadful and prevailing evil still predominating; and this additional board, instead of strengthening the old government, enfeebled it, by relapsing into the only radical flaw in the original constitution; for he was aware no man would stand up in his place, and give such an account of these debts as would correspond with principles of justice between man and man. Yet such were the debts which the new board among its first acts, and to the detriment of debts actually due, had put in a train of payment! So that unless the House of Commons, or the legislature, interfered, and set aside the order, it would inevitably become final.

In urging this question, therefore, he was not hastily attacking either individuals, the nabob of Arcot, or the commissioners, but pleading the cause of the public. The arrangement of the debts due to individuals he selected chiefly under those of the old debts, the new debts, and the debts of the company. With the first of these he agreed in substance, and should not make any animadversions on that part of the matter. He was more peculiarly interested in those which were denominated the new consolidated debt, and the pretensions on which the payment of them was demanded. He concurred with all who had given any deliberation to the subject, in thinking something doubtful or unaccountable in the accruing of them. He mentioned the directors and the board of commissioners particularly, as holding the same language; it struck him forcibly that, after stating their reasons for hesitating on the matter with great plausibility, and laying down a variety of premises, which led to quite an opposite conclusion, they came all at once to the absurd, or at least most unexpected one, which he trusted this House would reprobate. They allowed that those debts were not recommended by the same forcible reasons, which operated in the other case. They owned themselves much at a loss concerning their authenticity. They stated strong dislike, as if truth extorted it from them, whenever these debts were mentioned; but what would the House expect should be the result of all this? That they consequently inclined to defer the settlement of debts thus hypothetical only, till such as were not could be fully and satisfactorily discharged. This, one might imagine, would have been the conclusion of their statement. But it was quite the reverse. They ordered indiscriminate payment of all,

The motives for such a decision were singular and various. One was, that the nabob's debts might be no longer kept a-float. But how this discharge would prevent that consequence, he was at a loss to conceive. However, he owned himself struck by what follows: "When we consider how much the final conclusion of this business will tend to promote tranquillity, credit, and circulation of property in the Carnatic:" All this he perfectly understood. It was precisely in the spirit of the general character which had distinguished the conduct of the company's servants in the Asiatic settlements. This order would naturally prove to them satisfactory, and consequently promote tranquillity. It would have a similar effect, he presumed, on circulation, in the Carnatic, as it would take out of the nabob's pocket, and put into that of the company's servants. They added, "When we consider that the debtor concurs with the creditor in establishing the justice of these debts consolidated in the year 1777, into gross sums, for which bonds were given, liable to be transferred, different from the original creditors." On this it was concluded, that no good can result from an unlimited investigation. This was dispatching the wisdom of the legislature in a very summary way, as it was saying in effect — We know the act of parliament says so and so; but this also we know, that the provision is useless and unnecessary. At the same time they order that complaints which they limit, be admitted, these are directed to originate only with the nabob himself, or such of his other creditors as by this arrangement may deem themselves injured. These were substantial reasons in abundance, which would always render the nabob's complaints sufficiently accommodating, not to create any alarm or uneasiness whatever; but the creditor who was most injured, and who had actually preferred her complaint, was the East-India company. Her case was well known to the public, and especially to every individual who had made her affairs any object of his attention; and he virtually barred the claim of these debts, even supposing it valid.

This was the purport of the motion, to impress the House with the absurdity and injustice of the preference which had been given to private, where public interest was so notorious and urgent. He then stated the consequences of this false step; it went to an implicit acquiescence with all the fraudulent conduct which had brought so much disgrace upon this country in that part of the world: he would not impute any bad intention to the gentlemen of the board; but the decision which, on this very pressing matter, had been come into, filled him with astonishment and concern: he knew not how to account for it; but it would undoubtedly be considered

abroad as encouraging and patronising all those mal-practices and peculations for which the servants of the company have been so much blamed. It did not adopt the maxim in so many words, but, however, indulged the principle; it would prove the truth of his observations by its future operations, as it would furnish a precedent to men of a certain description, which would have all the force of a statute, and which it would not be very easy for any board of direction or control henceforth to dispute. Such, he said, were the consequences which this inauspicious measure, both for India and Great Britain, seemed calculated to effect; it therefore seemed, in his mind, a very proper subject for the interference of the House; it was an instance which plainly shewed how wisely the power of cognizance was lodged by the constitution in the House of Commons.

Concerning that part which respected the crop of 1775, it was evident that the rajah of Tanjore paid the nabob of Arcot the arrears and the tribute, with the interest due thereon; but it was a matter of justice, that the man who sowed should reap, or that he should have the profits of his own harvest. The right honourable gentleman then entered again on the first topic of his argument, and added a farther observation on the debts of the nabob of Arcot. He said, that the faction, though sometimes supported by the directors, and sometimes by the proprietors, yet still kept up their friendship for him; perhaps it might be their fear of him, or of the servants in India; for it was clearly evident, that the orders of the company were never enforced, and that the culprits were not brought to justice, even by the most factious of the proprietors, or the most daring of the directors; nor did they attempt to have any legal authority whatsoever, under which it was their duty to act. The board of control was now suspected, and there were certain papers in the possession of his majesty's ministers, which would either bring home the criminality, or exculpate those suspected persons. The point thus lying between the directors and the board, it was certainly become an easy matter for government to prove to the House whether those charges were founded in falsehood or in truth, and whether the spirit of the act of parliament had been attended to, and its letter obeyed. It was, in fact, the only mode by which the legislature could arrive at an authenticated information, whether those into whose hands they had given the business of India had betrayed their trust or not. It was the duty of the House to watch those servants whom they had employed, and to judge of the measures which were adopted by the fruit they produced; as it was evident, that nothing but the most

effectual and coercive acts would tend to do any service in India. The gentlemen in administration knew this to be the fact, and they confessed it when their bill was brought into parliament. He begged, therefore, of the right honourable gentleman (Mr. Dundas) to come forward and defend his measures, on producing the papers called for. But he trusted that, as the subject was a matter of consequence to the kingdom, he should not be answered by invective, and told, "that which you have done is worse than what we have done."

He requested the House to consider, that if his bill had any merit, which could not be controverted even by sophistry itself, it was the merit of making the House judges in all cases, and hiding no transaction whatever from the view of the public: this undoubtedly was, and in the end it would be found so, the only way of truly governing the people of India. Darkness was the shelter under which all the iniquities of the servants of the company were hid; and to make visible the conduct was the true method of correcting their vices, and doing justice to the public. A detail of India business, it was true, came but with a bad prospect of attention at present. Men's minds were taken up on much more important subjects. Their dearest interests, their most valuable privileges were now at stake, and engrossed their principal thoughts; but still it must be recollected, that India, though removed at a great distance, yet, in its present state, and from the late alarming accounts of the system of plunder, peculation, and resistance to legislative authority continuing, it became a matter of importance. If the papers which he should call for were produced, he pledged himself not to shrink from the inquiry; and that he would so far do justice to the public, to the directors, to the board of control, to his majesty's ministers, and to the servants of the company, as to obtain from the House a decision which should either exculpate or criminate. Should it prove an acquittal, then all the glory, and let them have it, would be to the framers of the late bill; and surely if the inquiry was not dreaded, the motion he intended to make would be acceded to. There was a large arrear of authentic intelligence due to the House, and the public looked for it. They looked for it, because a kind of jealousy arose on account of the many eager, warm, anxious, and zealous supporters of the servants of the company in India, who sat in parliament. But this phalanx did not deter him, nor was he afraid of the present House of Commons. Five hundred and fifty-eight gentlemen would not be deaf to reason, nor shut their eyes and their ears to truth. They would listen to the voice

of truth; they had done so on a late occasion, and he had no fears for their determination on the present. However partial they might be to the general politics of the minister, yet on particular occasions, they would not fail to recollect that they were the representatives of the people.

He again repeated his intreaties that ministers would open their minds, judge by the merits of the case, and therefore not withhold that information from the House, which it was so very requisite the House should have. There was a connection between the public revenue of this country and the India company, which bound us in such a manner to pay their debts, that common honesty required ministers not to deny those papers, which were necessary to prove what had been done in consequence of the act passed in the last session of parliament. He begged that the House would look to the debt of two million and a half, due to the Bombay presidency, which at present was not put into any mode of payment, and the bonds in consequence were so reduced, that they sold at 60*l.* per cent. discount; districts indeed had been given as security, but those districts, by the hand of power, were taken away; and the claim of a number of suspicious private creditors were preferred to the public debt, against which there was not any proof whatever, nor even the smallest idea of fraud. This surely was a most serious object of inquiry, and it was a matter which he wished the whole court of directors to hear. The chairman, he observed, was behind him, and it made him happy to find him there, because he could give his opinion whether he thought this new board of control had acted with fidelity or not, to that trust which the House had so confidentially committed to their care. Matters of accounts could not be made too public; and this was an aphorism well known to the House. There were two purposes to which his motion tended, and he wished the House to consider them well — The crimination of the board of control, or an amendment of the act of parliament. He then moved, "That the proper officer do lay before this House, copies or extracts of all letters and orders of the court of directors of the united East India company, in pursuance of the injunctions contained in the 37th and 38th clauses of the act passed in the last session of parliament, for the better regulation of India."

The motion was seconded by Mr. Francis, and supported by Mr. Burke, in a speech, which, notwithstanding the unpromising nature of the subject, was supposed to be one of the most eloquent that was ever made in either House of parliament. The task of opposing the motion and defending the board of control,

was undertaken by Mr. Dundas. On a division, the numbers were,

	Tellers.			Tellers.	
YEAS	Lord Maitland, Sir James Erskine	69.	NOES	Mr. Eliot, Mr. R. Smith	164.

So it was resolved in the negative.

IRISH COMMERCIAL PROPOSITIONS.

February 22.

PREVIOUS to the meeting of the Irish parliament, in January 1785, the British cabinet, in concert with commissioners appointed on the part of Ireland, had formed a plan for regulating and finally adjusting the commercial intercourse between the two kingdoms. On the 7th of February, Mr. Orde, the secretary to the lord lieutenant, announced this system to the House of Commons, and on the 11th, a set of resolutions, which he had before laid on their table, were moved and agreed to by the House without much discussion, and without any material alterations. The concurrence of the House of Peers being soon after obtained, these resolutions were immediately transmitted to England, as the proposed basis, on the part of that country, for an equitable and final adjustment. — Almost immediately after their arrival, the business was opened in the British House of Commons, by Mr. Pitt, who, on the 22d of February, moved, "That the House will immediately resolve itself into a committee of the whole House, to consider of so much of his majesty's speech to both Houses of parliament, upon the 25th of January last, as relates to the adjustment of the commercial intercourse between Great Britain and Ireland." This motion being carried, the various papers on the table relative to Ireland, were referred to the committee; and the Speaker having left the chair, Mr. Gilbert took his seat at the table. The eleven resolutions agreed to by the Irish parliament were then read as follow:

"Resolved, 1. That it is highly important to the general interest of the British empire, that the trade between Great Britain and Ireland be encouraged and extended as much as possible; and for that purpose, that the intercourse and commerce be finally settled and regulated on permanent and equitable principles for the mutual benefit of both countries.

2. "That towards carrying into full effect so desirable a settlement, it is fit and proper, that all articles, not the growth or manufacture of Great Britain or Ireland, should be imported into each kingdom from the other, reciprocally, under the same regulation, and at the same duties, if subject to duties, to which they are liable when imported directly from the place of the growth, product, or manufacture; and that all duties originally paid

on importation into either country respectively, shall be fully drawn back on exportation to the other.

3. " That for the same purpose, it is proper that no prohibition should exist in either country, against the importation, use, or sale of any article, the growth, product, or manufacture of the other; and that the duty on the importation of every such article, if subject to duty, in either country, should be precisely the same in the one country as in the other, except where an addition may be necessary in either country, in consequence of an internal duty on any such article of its own consumption.

4. " That in all cases where the duties on articles of the growth, product, or manufacture of either country, are different on the importation into the other, it would be expedient that they should be reduced in the kingdom where they are the highest, to the amount payable in the other, and that all such articles should be exportable from the kingdom into which they shall be imported, as free from duty as the similar commodities or home manufactures of the same kingdom.

5. " That for the same purpose it is also proper, that in all cases where either kingdom shall charge articles of its own consumption, with an internal duty on the manufacture, or a duty on the material, the same manufacture, when imported from the other, may be charged with a farther duty on importation, to the same amount as the internal duty on the manufacture, or to an amount adequate to countervail the duty on the material, and shall be entitled to such drawbacks or bounties on exportation, as may leave the same subject to no heavier burden than the home-made manufacture; such farther duty to continue so long only as the internal consumption shall be charged with the duty or duties, to balance which it shall be imposed, or until the manufacture, coming from the other kingdom, shall be subjected there to an equal burden, not drawn back or compensated on exportation.

6. " That in order to give permanency to the settlement now intended to be established, it is necessary, that no prohibition, or new or additional duties, should be hereafter imposed in either kingdom, on the importation of any article of the growth, product, or manufacture of the other, except such additional duties as may be requisite to balance duties on internal consumption, pursuant to the foregoing resolution.

7. " That for the same purpose it is necessary farther, that no prohibition, or new or additional duties, should be hereafter imposed in either kingdom, on the exportation of any article of native growth, product, or manufacture from thence to the other, except such as either kingdom may deem expedient, from time to time, upon corn, meal, malt, flour, and biscuits; and also except where there now exists any prohibition which is not reciprocal, or any duty which is not equal in both kingdoms, in every which case the prohibition may be made reciprocal, or the duties raised so as to make them equal.

8. " That for the same purpose it is necessary, that no bounties whatsoever should be paid, or payable, in either kingdom, on the exportation of any article to the other, except such as relate to

corn, meal, malt, flour, and biscuits, and such as are in the nature of drawbacks or compensations for duties paid, and that no duty should be granted in this kingdom on the exportation of any article imported from the British plantations, or any manufacture made of such article, unless in cases where a similar bounty is payable in Britain, on exportation from thence, or where such bounty is merely in the nature of a drawback or compensation of, or for duties paid over and above any duties paid thereon in Britain.

9. "That it is expedient, for the general benefit of the British empire, that the importation of articles from foreign states should be regulated from time to time, in each kingdom, on such terms as may afford an effectual preference to the importation of similar articles of the growth, product, or manufacture of the other.

10. "That it is essential to the commercial interests of this country to prevent, as much as possible, an accumulation of national debt, and therefore it is highly expedient that the annual revenues of this kingdom should be made equal to its annual expences.

11. "That for the better protection of trade, whatever sum the gross hereditary revenue of this kingdom (after deducting all drawbacks, repayments, or bounties, granted in the nature of drawbacks) shall produce, over and above the sum of 656,000*l.* in each year of peace, wherein the annual revenues shall be equal to the annual expences, and in each year of war, without regard to such equality, should be appropriated towards the support of the naval force of the empire, in such manner as the parliament of this kingdom shall direct."

As soon as the above resolutions had been read, Mr. Pitt rose, and concluded a speech of considerable length with moving "That it is the opinion of this committee, that it is highly important to the general interest of the empire, that the commercial intercourse between Great Britain and Ireland shall be finally adjusted; and that Ireland should be admitted to a permanent and irrevocable participation of the commercial advantages of this country, when the parliament of Ireland shall permanently and irrevocably secure an aid out of the surplus of the hereditary revenue of that kingdom towards defraying the expence of protecting the general commerce of the empire in time of peace." In the course of his speech, Mr. Pitt took a review of what had already been granted to Ireland by the British parliament, and observed, that the concessions now proposed to be made to that kingdom, in order to put the two countries on a fair and equal footing, he should reduce to two heads: First, the importation of the produce of our colonies in the West Indies and America through Ireland into Great Britain. Second, a mutual exchange between the two countries of their respective productions and manufactures, upon equal terms. With regard to the first, he allowed it had the appearance of militating against the navigation laws, for which England had ever had the greatest partiality. But as she had already allowed Ireland to trade immediately and directly with the colonies, he could not see how the importing of the produce of those colonies circuitously through Ireland into Great Britain could injure the colonial trade of this

country, which was a direct one, and therefore to be made at a less expence and risque, than that which was circuitous. In return for these concessions on the part of Great Britain, he proposed that Ireland should agree to the payment of a certain stipulated sum, yearly, out of the surplus of her hereditary revenue, towards defraying the general expences of the empire.

Mr. Fox said, he would not take up a great deal of the time of the committee, as he meant not in that stage of the business to go into a discussion of the propositions, a matter that would unavoidably lead him into great length; nor would he debate the general resolution before the committee, which he was glad they were not called upon that day to decide by vote, since it extended to the whole of the resolutions that had been read, and comprehended the extreme of the extraordinary system, the outlines of which had been explained to the committee. He rose, he said, in consequence of some allusions which the right honourable gentleman had made, he supposed, to what he had said in a former debate on the subject of the propositions having been stated to the parliament of Ireland, before they were opened to that House. No man, Mr. Fox declared, thought more highly of the right honourable gentleman's abilities than he did; but nothing he had said that day had in the least altered his opinion of the matter he had just alluded to. He thought it not only highly indecent and disrespectful that the propositions had not been first opened to that House, but a circumstance that might produce consequences of the most mischievous nature. As the business had been managed, there might be, indeed it was true, there would be, some mischief arise if that House did not agree to the propositions; and yet, mischievous as he was free to acknowledge it would be, he, for one, was afraid that he should not be able to give them his consent. Convert the order of the proceeding, and then let the right honourable gentleman see how the matter would have stood. Had the proceeding originated in that House, and had they agreed on any propositions as the basis of a system of intercourse with Ireland, and the parliament of Ireland had afterwards refused its concurrence in those propositions, they would have been then but where they were when they set out, and no great harm would have been done. The case was far otherwise at present.

Mr. Fox, after this remark, said, it had struck him as a singular instance of ingenuity, that, in opening the outlines of the system of intercourse with Ireland in the contemplation of his majesty's ministers, the right honourable gentleman had contrived to do away a good deal of what had been said upon the subject in another speech, delivered in another assembly; indeed, the right honourable gentleman's speech, by far the

greater part of it, had been little else than an answer to the speech of Mr. Orde in the Irish House of Commons; but, after having read the one, and heard the other, he must do Mr. Orde the justice to say, that he thought he had defended the propositions, and argued upon them infinitely better than the right honourable gentleman. It was not, however, a little curious to observe, in how different a manner the minister in Ireland and the minister in England had recommended the same propositions to two different parliaments. In Ireland they had been stated as highly advantageous to that country, as putting it upon the same footing with Great Britain, and rendering it an emporium of trade, and the source and supply of the British markets. In England, and in that House, they had been told, the system was advisable, and the propositions were such as this country might gladly accede to — why? "Because it gives Ireland nothing but what it had before; because Ireland cannot rival you; because Ireland is poor and feeble; and because Ireland must remain so, if not for ever, at least for a considerable length of time."

Having urged this, Mr. Fox said, he was not certainly prepared, nor was that a fit moment for him to enter at large into his objections to the several propositions, but he entertained many, and those of a nature not very easy to be removed. Some, in fairness and in candour, he would hint at. Among others, the fifth proposition struck him as liable to great objection, and as likely, in its operation, to contradict and destroy the very principle that had been stated to be that on which all the propositions were founded. He entered into a discussion of the nature of what was termed the countervailing duties, and put the case of a piece of broad cloth about to be imported from the country in which it was made. This he argued to its conclusion, and urged that its result would be a direct contravention of the principle of all the resolutions, and a conversion of an established maxim of commercial policy. Mr. Fox also asked how, if the propositions were adopted, they were to guard against the produce of the colonies of foreign states being first smuggled into Ireland, there put on board Irish or British bottoms, and so brought into the ports of this kingdom? He said that large quantities of rums, sugars, and much other produce of foreign powers might thus be smuggled into Great Britain. The whole tendency of the propositions appeared to him to go the length of appointing Ireland the sole guardian of the laws of navigation, and grand arbitress of all the commercial interests of the empire; a trust which he felt no sort of inclination to part with out of our own hands; not even to Ireland, of whose

generosity, loyalty, and gratitude no man entertained a higher opinion.

Having given, what he called, hints of several of his objections, Mr. Fox proceeded to the defence of Lord North and himself from the attacks of Mr. Pitt on the score of the concessions they had severally made to Ireland formerly. He said, when the right honourable gentleman opened his speech, he had given him very great pleasure; but he soon took care effectually to remove that satisfaction. When he had heard the right honourable gentleman solemnly express a hope that there was a disposition in all parts of the House to unite in a business of so much serious importance, he had taken it for granted he should not have heard any thing like personal attack and personal provocation from him that day; but the right honourable gentleman had soon undeceived him, by talking of calumniatory publications industriously circulated, and by making a most uncalled-for attack upon his noble friend. At the same time that his noble friend had made the propositions to the committee in 1779, undoubtedly he had himself thought great blame was due for the having suffered the affairs of Ireland to remain unadjusted thus long, and a share of that blame he had then said, and always would say, was imputable to the noble lord; but by no means was the noble lord alone to blame. There were those now sitting near the right honourable gentleman who, at that time, lived in confidence with the noble lord, and supported his measures; to them he appealed for their opinions of his noble friend's conduct, and whether they had not approved of the concessions he had proposed to that House as proper to be made to Ireland? The House in general had approved of them, and he himself among others. With regard to the resolution he had brought into the House, to which the right honourable gentleman had adverted, that resolution, if he did not quite forget the circumstance, did not originate with his majesty's minister, but was the consequence of an address from one or other of the Houses of Lords, either here or in Ireland. There were those now in office who were at that time in office with him, and he perfectly recollected that the resolution was shewn to the whole administration, who, at the time, approved of it. Those to whom he alluded were Lord Camden, Lord Sidney, and the Duke of Richmond; but sure he was, at that time, not one of them had it in contemplation to proceed to any such extravagant length of concession to Ireland as the system opened to the House that day would go. Mr. Fox said farther, in defence of Lord North's concessions, that the first secular officer of the crown at that time had also been in the same situation when his noble friend came forward with the

resolutions of 1779, and they had his approbation and consent.

Before he concluded, he referred to what Mr. Dempster had said, declaring, that he hoped the House would not be so disgraced as to have the doctrine of his honourable friend avowed by any minister, namely, that the dissentions in Ireland rendered such an extent of concession, on the part of Great Britain, necessary. He regarded the late proceedings there with a view to prevent the holding of the meetings of the delegates as highly unconstitutional. He said he should consider it as no answer to hear it said, "the laws of Ireland are not the same with those of this country." The statute law might differ in particular cases, but the common law was the same in both countries, springing from the same source, governed by the same precedents and the same usages, bearing the same analogy, and administered in courts precisely similar in their constitution to the courts of Westminster hall. What the common law of England, therefore, would not countenance and warrant, the common law of Ireland, he was persuaded, would neither countenance nor warrant: but be that as it might, he hoped that House was not to be told, that, from motives of apprehension and timidity, on account of the feuds and dissentions in Ireland, it became necessary for Great Britain to purchase her tranquillity at the expence of her trade, her commerce, and her navigation. He declared he differed with the chancellor of the exchequer, *toto cœlo*, as to the points in which the right honourable gentleman had said he would trust Ireland, and those in which he chose to "make assurance double sure:" Mr. Fox said he would trust every thing to her generosity, but not much to her prudence. Ireland would always give Great Britain every possible assistance when she had it in her power; but she might not act in moments of difficulty with a degree of wisdom equal to the exuberant gratitude of her nature. He said he would not challenge the truth of the declaration of the right honourable gentleman, that Ireland would be perfectly satisfied, and would ask no more of this country, after the proposed concessions were made; this might be true, for the best of all possible reasons, &c. because this country would have nothing left to concede. He repeated, that he believed he should be under the necessity of opposing the propositions, but he did most earnestly deprecate the idea, that because the parliament of Ireland had agreed to the propositions, and because the rejecting them would be productive of some mischief, that House was to be precluded from freely debating them, and exercising their

opinions as became them as members of parliament to exercise them for the good of their constituents.

The further consideration of the Resolution was postponed. The chairman was desired to report progress, and ask leave to sit again. A fortnight elapsed before the subject again made its appearance; during which interim a report, prepared by a committee of the board of trade and plantations, was laid by the minister upon the table of the House of Commons, to assist its deliberations. This report was stated to be founded upon the declarations and opinions of some of the principal manufacturers and merchants in the kingdom, who had been examined by the above-mentioned committee; and its particular object was to prove the expediency of that part of the system which related to reducing the duties payable upon the importation of Irish produce and manufactures in Great Britain, to what the same sort of articles were charged with in this country. In the mean time, the merchants and manufacturers who had been examined before the committee, joined by great numbers of others from every part of the nation, met together for the purpose of taking the Irish propositions into their consideration. During the course of their proceedings, it appeared, that the opinions of the former were in direct contradiction to the inferences which had been drawn upon their examination in the report laid before parliament. Whether this was occasioned by any change which, upon a fuller consideration, had taken place in the minds of the merchants and manufacturers themselves, or whether the committee of the board of trade and plantations had strained and perverted their declarations, it is not easy to determine. However, the consequence was, that it threw a considerable degree of discredit upon the report itself, and seemed to point out the necessity there was for the House of Commons to examine the different commercial and manufacturing bodies concerned, at their own bar. This mode of proceeding gave the first check to the system in its progress through the House, whilst without doors it became more unpopular, in proportion as it became more thoroughly investigated.

March 3.

Mr. Pitt observed to the House, that anxious as he was that they should proceed in settling the commercial intercourse between the two kingdoms, he would not press the business forward with indiscreet haste. At that moment he was unapprized of any application that was intended to be made from any quarter to be heard by counsel at the bar, or to produce any evidence, that might state to the House facts and circumstances, which had relation to the system, an outline of which he had the honour to open to them on Tuesday se'nnight; he should therefore name some day in the next week for the committee to sit again, for the purpose of receiving information, examining witnesses, or hearing counsel,

should any be offered; and when that day came, if no application should be made to desire that counsel might be heard, or witnesses examined, it was his intention to propose some resolution upon the business. He concluded with moving, That the Committee of the whole House do sit again on Tuesday next.

Mr. Fox rose to declare, that should it happen that no application was made to be heard by counsel, or to offer evidence of facts at the bar, he for one should object to the right honourable gentleman's pressing the House to come to any vote respecting the propositions that had been laid upon the table, as resolutions voted by the Irish parliament; nor should he object to such a motion only on Tuesday next, but on that day week, or even that day month, should they not have by that time heard something more of what had been done upon the subject by the parliament of Ireland. Circumstanced as they were, it was impossible to proceed to vote any proposition whatever, before they knew the whole that the parliament of Ireland had done upon the subject, without getting into a situation the most extraordinary that ever parliament put a country into. He begged gentlemen most seriously to revolve in their minds the very singular predicament in which the parliament of England and the parliament of Ireland would stand, should that House, either on Tuesday next, or on any subsequent day, come to a decisive vote upon the subject without previously knowing what was the ultimatum of the parliament of Ireland. The right honourable gentleman had stated it as the great good of his system, and as matter of reproach to the noble lord in the blue ribbon, and to himself and to such other persons as had ever proposed any thing to be done for Ireland, that they had not taken care to obtain a return on the part of Ireland for what this country granted her. Now, as matters stood, the House was ignorant what that return, what that something, what that *quid pro quo* was. By slight conjecture only had he any idea what it was, and his conjecture was grounded upon the resolution of the parliament of Ireland, which Mr. Orde had proposed on the Monday subsequent to the vote of the former ten resolutions on the Friday. He supposed, therefore, that it was that resolution that was to be the return; but till the House knew it, they could not vote a decisive resolution of their own without precipitating themselves into a dilemma. The situation of the two countries would then be this: on the Journals of the parliament of England, and on the Journals of the parliament of Ireland, would stand resolutions criminating each other. When he, on a former occasion, reprobated the business being first opened in Ireland, as a matter equally indecent and inconvenient, and as a matter that would be attended with serious ill conse-

quences, he had been answered by its being said, that if the parliament of England had first voted resolutions, and the parliament of Ireland should refuse to agree to them, it would be a circumstance disgraceful to this country, and perfectly nugatory. Now, this very disgrace would the House incur, should it proceed to a vote, before the parliament of Ireland had come to its ultimatum. It would be liable also to all the other inconveniencies that he had himself stated. Mr. Fox repeated his determination to oppose any attempt to press the House to a vote upon the subject, so early as Tuesday, desiring gentlemen to hold it in their minds, that they would be done nothing but sow the seeds of future ill blood between the two countries, should they vote a resolution, before they were informed of the ultimate determination of Ireland.

In reply to some reflections cast on him by Mr. Pitt,

Mr. Fox said, he had not been actuated by any wish prematurely, and at an improper time, to go into a general discussion of the affairs of Ireland, but had thought it candid to say fairly and plainly what his intentions were, if the right honourable gentleman should next Tuesday press the House to a decisive vote under the present circumstances of the business. The right honourable gentleman had charged him with inconsistency, but in fact there was no inconsistency in his having said, he disapproved of the business having been opened to the parliament of Ireland before it was stated in that House, and his having that day declared, he would object to any proposition that House might be called upon to decide, before they had heard the ultimatum of the parliament of Ireland. He had said, and he was sure that it would have been more handsome and more decent to have begun the business within those walls; but the other method having been taken, the case was so altered, that it should be known entirely and completely what the wishes of Ireland were, before that House proceeded to take any decisive step in the business. For his part, he disapproved of the matter, as well as the manner, of making the propositions; a free grant on the part of each country struck him as the properest mode of coming to an adjustment satisfactory to both. But, at any rate, it would have been better for the two parliaments to have separately resolved what each was disposed to give. Mr. Fox pointed out the extreme difference between Ireland declaring voluntarily, and on her own mere motive, what her wishes were; and the business being opened there by an Englishman, a member of the British parliament, who went over to Ireland, procured a seat in the

Irish House of Commons, and in the capacity of secretary to the lord lieutenant, or, as it would, unconstitutionally speaking, be called, acting as the British minister in Ireland. He contended that the ministers at home, and the ministers in Ireland, had led the parliaments of the two countries into the strange situation of holding a different language on the same business, and voting resolutions of a contradictory and even of a criminating nature. With regard to what the right honourable gentleman had said of industrious misrepresentation, he could only say for himself, that he had neither seen nor countenanced any misrepresentations; the publications he had seen were mostly extracts from the speech of Mr. Orde in the Irish House of Commons; the right honourable gentleman, therefore, must mean to charge Mr. Orde with misrepresentation, if he intended to charge any body. But of this he was sure, that to endeavour to represent the matter as it really was, to inform the people of a subject of the first importance to the national interests, to draw their attention to it sufficiently, was a laudable and a worthy species of industry, of which no man need be ashamed. Mr. Fox concluded with declaring his intention to oppose any attempt to call upon the House to come to a decisive vote till they had heard farther from Ireland.

March 11.

On Mr. Pitt's moving, That the House should again resolve itself into a committee of the whole House, to take into further consideration so much of the king's speech to both Houses, upon the 25th of January last, as relates to the adjustment of the commercial intercourse between Great Britain and Ireland,

Mr. Fox rose and said, that was the first opportunity that had presented itself for him to say a few words on the report of the lords of the committee of council, and of the conduct of his majesty's ministers, which he thought extremely unwise, in respect to the propositions of the Irish parliament, at that time on the table. It appeared from the report of the lords of the committee of council, that two questions had been referred, the one to desire their consideration "Upon the propriety of reducing duties payable in Great Britain on the importation of goods, the growth and manufacture of Ireland, to the same rate as the duties payable in Ireland on the importation of the like goods, the growth and manufacture of

Great Britain." The other, "What preferences are now given to the importation of any article, the growth, produce, or manufacture of Ireland, by any duty or prohibition on the importation, use or sale of the like articles from foreign ports; and how far it may be the interest of Great Britain in future to continue or alter the same?"

What he meant chiefly to speak to, Mr. Fox said, was, two points that had not been referred to the committee of council, and which, he must own, not a little surprized him. The subject of the two questions that had been referred to the committee, and any information that could be obtained upon it, was certainly extremely desirable, extremely fit to be obtained by the committee of council, and extremely proper to be by them submitted to the consideration of the House; but what had struck him, and what he believed had struck every man's mind as the primary consideration of all, was the question of the propriety and policy of permitting the produce of Africa and America to be brought into Great Britain through Ireland. On that, in his humble opinion, by far the greater part of the doubts, whether the propositions were such as Great Britain ought to accede to or not, depended. It was, therefore, not only extraordinary but somewhat unaccountable, that the question he had stated, was not referred to the lords of the committee of council. With regard to the questions that had been referred to the lords of the committee of council, and the examination and evidence that they had stated in their report, he did not doubt but they had proceeded with great wisdom and prudence, and that the questions to the manufacturers examined were such as ought to have been put; but he could not help remarking, that the lords of the committee of council themselves expressed a wish that they had had more time to pursue their investigation farther. This therefore confirmed opinions that had been floating in his mind before, of the extreme and pressing necessity for that House to have full and complete information before them, relative to all the probable consequences of the carrying into effect the whole of the propositions, previous to their going the length of the first proposition, which was a general resolution, involving and implicating all the rest.

Mr. Fox expatiated on this argument very amply, and took infinite pains to press it on the minds of the House, as a matter exceedingly important, and as a matter deserving their most serious attention. If the lords of the committee of council, he said, whose judgement was not definitive, and was merely an opinion, neither operative nor binding, found occasion to express a wish, that they had been able to have

given farther time to their investigation, and to have obtained a greater degree of intelligence and information, how much more necessary was it for that House, who were to act, and not merely to state matters of opinion, to be fully informed, before they proceeded to vote a resolution, to be made the basis of an intercourse with Ireland, that was not meant as a temporary expedient, but as a final and conclusive system? Let gentlemen consider the extremely disagreeable and even melancholy consequences that must ensue, if they precipitately voted the general resolution, and they should afterwards have applications made to them, in objection to the other propositions. In that case, what must Ireland feel, and what would she have to complain of, but a departure from an implied agreement, and a gross breach of national faith?—a circumstance that would be attended with the most fatal consequences to both kingdoms.

He wondered, therefore, that the right honourable gentleman had not thought it necessary, long before that time, to call to the bar of that House some of the best-informed and principal manufacturers of the kingdom, whose interests were likely to be at all affected by the system of intercourse to be arranged with Ireland, in order that the House might learn from them the probable consequence, with regard to the different branches of manufacture they were severally concerned in, that would result from that House proceeding to form a system of intercourse with Ireland, on the propositions that had been voted by the Irish parliament. Such information could not be had too soon, both upon the great consideration of the propriety of permitting the produce of Africa and America to be brought into this kingdom through Ireland, and upon the questions that had been referred to the lords of the committee of council. Indeed, there was an additional, and, in his mind, a very cogent reason, in proof of the necessity of calling witnesses before them on the two latter questions; and that was, that it appeared upon the face of the report of the lords of the committee of council, that the lords had drawn conclusions from the evidence given by the merchants and manufacturers they examined, which the merchants and manufacturers were at this time contradicting at the meetings that were daily holding on the subject of the proposition. The inferences drawn from the examination of the persons examined before the committee of council, and stated in the report, were directly the reverse of the inferences those persons drew themselves, as far as their public conversation and conduct went to prove what their opinions were. Mr. Fox here took occasion to mention the proceedings of the meeting of the West India merchants on Tuesday last, which, he said, were

of a very different tendency from that the right honourable gentleman had conceived, and stated to the House in the debate on that day. The West India merchants had not at that meeting declared that alarm, and very great alarm, was not entertained by them on account of the propositions; that alarm was undoubtedly still entertained by them; but the matter in discussion, at the meeting last Tuesday, was merely the mode of their proceeding, in order to have such regulations introduced into the bills that should be brought into parliament, as should best tend to secure them and their commerce from the impending danger, which they thought likely to result, were not such regulations introduced. All that the issue of the meeting amounted to was, a resolution not to petition the House in that stage of the business.

Mr. Fox said, there were different orders and descriptions of manufacturers, whose trade would be very materially affected by the intended plan of arrangement, and whom that House ought to have before them, previous to their proceeding to vote their general propositions. One set of men, not ordinarily ranked with manufacturers, though, strictly speaking, they were so, the ship-builders of Great Britain, ought in particular to be called upon and examined as to the consequence to their manufacture that they were of opinion would follow, in case the propositions were agreed to. By thus pressing for the manufacturers to be called to the bar, he did not mean to have it understood, that the House ought to be guided solely by their opinions; undoubtedly not. The House should act in this, as in every other case, according to its own sense, of the wisdom and policy of the measures to be taken; but he must nevertheless contend, that without having the fullest information before them, it was not possible for the House to judge, what the wisdom and the policy of the plan of intercourse with Ireland, that had been proposed to them, were. It might possibly be said, that calling for such information would occasion delay, and take up a great deal of time. That was, in his mind, no objection to what he had proposed; for let it occasion what delay, or take up what time it would, that time would be well spent by the House making itself thoroughly master of the extent of the subject, before it came to a decisive vote upon it. Let gentlemen recollect, that when they had voted the general resolution, the House was committed to all the remaining resolutions; from which they could not retract without giving Ireland cause to complain of a breach of national faith, and without laying the ground for much future mischief.

He pressed this again and again on the House, and said, he trusted it was the general wish of both sides, and the wish

of every man both here and in Ireland, that the plan should be fully understood by both countries, and that there should not remain the smallest possible chance of future cavil. He asked if gentlemen felt themselves prepared to go the length of voting the first resolution, before they knew more of the consequences likely to result from voting the rest. There was not one of them that did not, day after day, suggest new difficulties to his mind. The fifth proposition for instance, that respecting the countervailing duties, was a proposition extremely prolific of doubt and alarm. He dwelt for some time upon this, and said, the House ought, at least, to have the same opportunity of examining persons who were competent to give them information upon any parts of the subject, as the lords of the committee of council. For their own good, therefore, for the security of administration, for the future repose and quiet of both kingdoms, he hoped the right honourable gentleman would see the propriety of what he had proposed.

In reply to some observations made by Mr. Pitt,

Mr. Fox rose again, and said he really had not seen the report of the committee of council till within the last two days, and therefore he had not an earlier opportunity of saying what he had thought it necessary to say on that day. With regard to his not having moved for persons to be called to the bar, he had purposely avoided it. Let the right honourable gentleman recollect, that he was, as it were, a kind of marked man, and that the right honourable gentleman and himself were involved together in many political opinions, and in various topics, that placed them before the public in a point of view more conspicuous than that in which most other men moved; under such circumstances, it would not have been proper for him to have made any such motion; besides, he chose to save himself from affording room for insinuation, as the right honourable gentleman had shewn himself ready enough to insinuate, even when there could be no grounds for it, that he had brought to the bar persons who had been prompted to give such evidence as should throw most impediments in the way of the proposed system of the intercourse with Ireland. Having said this, Mr. Fox repeated his argument, how necessary it was to call the merchants and manufacturers to the bar, who had been examined before the committee of privy council; because, as their declarations at their meetings were directly contradictory to the inferences which the lords of the committee had drawn from their examinations and stated in their report, the House ought to have an oppor-

tunity of hearing from themselves what their sentiments were. Mr. Fox urged Mr. Pitt not to wait for this or that member moving for persons to be examined, but of his own accord to bring to the bar some of the best informed of each branch of capital manufacture, that the House might sift the matter to the bottom before they embarked in it.

May 12.

During the remainder of the month of March, and the whole of April, the House was principally occupied in receiving the petitions and hearing the evidence of manufacturers and merchants of every description. This laborious investigation having been gone through, the propositions were again brought forward by Mr. Pitt, on the 12th of May, but with a variety of amendments, variations, and additions. To the original set of propositions, several new ones were added, some of them only supplemental to, and explanatory of the former, but several containing much new and important matter. The Propositions as proposed this day to the House by Mr. Pitt were as follow:

" Resolved, 1. That it is highly important to the general interest of the British empire, that the intercourse and commerce between Great Britain and Ireland, should be finally regulated on permanant and equitable principles, for the mutual benefit of both countries.

2. " That a full participation of commercial advantages should be permanently secured to Ireland, whenever a provision equally permanent and secure shall be made by the parliament of that kingdom, towards defraying in proportion to its growing prosperity, the necessary expences in time of peace, of protecting the trade, and general interests of the empire.

3. " That towards carrying into full effect so desirable a settlement, it is fit and proper that all articles, not the growth or manufacture of Great Britain or Ireland, should be imported into each kingdom from the other reciprocally, under the same regulations, and at the same duties, if subject to duties, to which they are liable when imported directly from the place of their growth, product, or manufacture; and that all duties originally paid on importation into either country respectively, except on arrack and foreign brandy, and on rum, and all sorts of strong waters, not imported from the British colonies in the West Indies or America, shall be fully drawn back on exportation to the other.

4. " That it is highly important to the general interests of the British empire; that the laws for regulating trade and navigation, should be the same in Great Britain and Ireland; and therefore, that it is essential towards carrying into effect the present settlement, that all laws which have been made, or shall be made in Great Britain, for securing exclusive privileges to the ships and mariners of Great Britain, Ireland, and the British colonies and plantations, and for regulating and restraining the trade of the British colonies and plantations, shall be in force in Ireland

in the same manner as in Great Britain; and that proper measures should from time to time be taken, for effectually carrying the same into execution.

5. "That it is further essential to this settlement, that all goods and commodities of the growth, produce or manufacture of British or foreign colonies, in America or the West Indies, and the British or foreign settlements on the coast of Africa, imported into Ireland, should, on importation, be subject to the same duties as the like goods are, or from time to time shall be subject to upon importation into Great Britain.

6. "That in order to prevent illicit practices, injurious to the revenue and commerce of both kingdoms, it is expedient that all goods, whether of the growth, produce, or manufacture of Great Britain or Ireland, or of any foreign country, which shall hereafter be imported into Great Britain from Ireland, or into Ireland from Great Britain, should be put, by laws to be passed in the parliament of the two kingdoms, under the same regulations with respect to bonds, cockets, and other instruments, to which the like goods are now subject, in passing from one port of Great Britain to another; and that all goods, the growth, produce, or manufacture of Ireland, imported into Great Britain, be accompanied with a like certificate, as is now required by law, on the importation of Irish linens into Great Britain.

7. "That for the like purpose it is also expedient, that when any goods, the growth, produce, or manufacture of the British West India islands, shall be shipped from Ireland for Great Britain, they should be accompanied with such original certificates of the revenue officers of the British sugar colonies, as shall be required by law on importation into Great Britain; and that when the whole quantity included in one certificate, shall not be shipped at any one time, the original certificate properly endorsed as to quantity, should be sent with the first parcel; and to identify the remainder, if shipped at any future period, new certificates should be granted by the principal officers of the ports in Ireland, extracted from a register of the original documents, specifying the quantities before shipped from thence, by what vessels, and to what port.

8. "That it is essential for carrying into effect the present settlement, that all goods exported from Ireland to the British colonies in the West Indies or America, should from this time be made liable to such duties and drawbacks, and put under such regulations as may be necessary, in order that the same may not be exported with less incumbrance of duties or impositions, than the like goods shall be burthened with when exported from Great Britain.

9. "That it is essential to the general commercial interest of the empire, that no goods of the growth, produce, or manufacture of any countries beyond the Cape of Good Hope, should be importable into Ireland from any foreign European country; and that so long as the parliament of this kingdom shall think it adviseable that the commerce to the countries beyond the Cape of Good Hope shall be carried on solely by an exclusive company, no goods

of the growth, produce, or manufacture of the said countries should be allowed to be imported into Ireland, but through Great Britain, and that the ships going from Great Britain to any of the said countries beyond the Cape of Good Hope should not be restrained from touching at any of the ports in Ireland, and taking on board there any of the goods of the growth, produce, or manufacture of that kingdom.

10. "That it is necessary, for the general benefit of the British empire, that no prohibition should exist in either country against the importation, use, or sale of any article, the growth, produce, or manufacture of the other ('except such as either 'kingdom may judge expedient, from time to time, upon corn, 'meal, malt, flour, and biscuits,') and that the duty on the importation of every such article, if subject to duty in either country, should be precisely the same in the one country as in the other, except where an addition may be necessary, in either country, in consequence of an internal duty on any such article of its own consumption.

11. "That in all cases where the duties on articles of the growth, product, or manufacture of either country, are different on the importation into the other, it is expedient that they should be reduced in the kingdom where they are the highest, to the amount payable in the other; and that all such articles should be exportable from the kingdom into which they shall be imported, as free from duty as any similar commodities or home manufactures of the same kingdom.

12. "That it is also proper, that in all cases where the articles of the consumption of either kingdom shall be charged with an internal duty on the manufacture, the same manufacture, when imported from the other, may be charged with a further duty on importation, adequate to countervail the internal duty on the manufacture; except in the case of beer imported into Ireland; such further duty to continue so long only as the internal consumption shall be charged with the duty or duties, to balance which it shall be imposed, and that where there is a duty on the importation of the raw material of any manufacture, in one kingdom, greater than the duty on the like raw material in the other, or where the whole or part of such duty on the raw material is drawn back, or compensated, on exportation of the manufacture from one kingdom to the other, such manufacture may on its importation be charged with a countervailing duty as may be sufficient to subject the same so imported to the same burdens as the manufacture composed of the like raw material is subject to, in consequence of duties on the importation of such material in the kingdom into which such manufacture is so imported; and the said manufactures so imported, shall be entitled to such drawbacks or bounties on exportation, as may leave the same subject to no heavier burden than the home-made manufacture.

13. "That in order to give permanency to the settlement now intended to be established, it is necessary that no prohibition, or new, or additional duties, should be hereafter imposed in either

kingdom, on the importation of any article of the growth, product, or manufacture of the other, except such additional duties as may be requisite to balance duties on internal consumption, pursuant to the foregoing resolution.

14. "That for the same purpose, it is necessary, farther, that no prohibition, or new, or additional duty, should be hereafter imposed in either kingdom on the exportation of any article of native growth, product, or manufacture, from thence to the other; except such as either kingdom may deem expedient, from time to time, upon corn, meal, malt, flour, and biscuits.

15. "That for the same purpose, it is necessary that no bounties whatsoever should be paid or payable in either kingdom, on the exportation of any article to the other, except such as relate to corn, meal, malt, flour, and biscuits, beer and spirits distilled from corn, and such as are in the nature of drawbacks, or compensations for duties paid; and that no bounty should be granted on the exportation of any article to any British colonies or plantations, or on the exportation of any article imported from the British plantations, or any manufacture made of such article, unless in cases where a similar bounty is payable in Great Britain, on exportation from thence, or where such bounty is merely in the nature of a drawback, or compensation of or for duties paid, over and above any paid thereon in Britain.

16. "That it is expedient, for the general benefit of the British empire, that the importation of articles from foreign states should be regulated, from time to time in each kingdom, on such terms as may afford an effectual preference to the importation of similar articles of the growth, product, or manufacture of the other.

17. "That it is expedient, that the copy-rights of the authors and booksellers of Great Britain, should continue to be protected in the manner they are at present, by the laws of Great Britain; and that it is just that measures should be taken by the parliament of Ireland, for giving the like protection to the copy-rights of the authors and booksellers of that kingdom.

18. "That the appropriation of whatever sum the gross hereditary revenue of the kingdom of Ireland (the due collection thereof being secured by permanent provisions) shall produce, after deducting all drawbacks, repayments, or bounties granted in the nature of drawbacks, over and above the sum of six hundred and fifty-six thousand pounds in each year, towards the support of the naval force of the empire, to be applied in such manner as the parliament of Ireland shall direct, by an act to be passed for that purpose, will be a satisfactory provision, proportioned to the growing prosperity of that kingdom, towards defraying, in time of peace, the necessary expences of protecting the trade and general interests of the empire."

Mr. Pitt opened the business to the committee, and concluded a speech of considerable length with moving the first proposition. Lord North submitted it to the candour of the chancellor of the exchequer whether it would not be proper to adjourn the debate, and cause the new resolutions to be printed for the use of the members. Lord North having concluded his speech, after a short pause,

Mr. Fox rose and addressed himself to the chairman of the committee as follows:

Mr. Gilbert; though I now rise to submit my sentiments on the present important subject, yet I beg it may be understood by the committee, that I shall cheerfully give way to any gentleman on the other side, who may be authorised to declare, that it is not meant to press us to a vote this night. I do not conceive it possible indeed, that any objection can be made to the motion of my noble friend. The vast variety of matter perfectly new, as well as the numerous alterations of that which we had previously before us, demanding the most minute and accurate discussion, surely the right honourable the chancellor of the exchequer will not force the committee, at an hour so unseasonable, to come to a decision upon so difficult and so perplexed a subject. I have paused, Sir, to give an opportunity for discovering, if such be the intention of gentlemen: but from their continued silence, it is evident they are determined, at all events, to precipitate the committee to this extraordinary and unparalleled decision. I must, therefore, intreat a more than usual indulgence from the committee, if, compelled as I find myself to enter into this important discussion, I shall, even at so late an hour, intrude for a considerable length of time on their patience. The committee will recollect, that in addition to the eleven original propositions, no less than sixteen new ones are now for the first time submitted to parliament; so that at one o'clock in the morning, I have to enter into the discussion of no less than twenty-seven of the most important and complex propositions that ever were the subject of parliamentary debate. Nor is this the whole of the difficulty: the sixteen supplemental propositions are not confined to verbal explanations, or to mere literal amendments of the former; on the contrary, they directly change the whole tenor, and absolutely subvert the main principle of the original system, upon which the right honourable gentleman declared it to be his fixed intention to proceed; so that in truth they are altogether as unexpected, as they obviously are new and contradictory. Surely, therefore, under circumstances so very novel and embarrassing, I may with less presumption intreat the committee to forgive that unavoidable intrusion on their time, which must be the consequence of compelling us to come to a vote on so interesting and so complicated a subject, before it is scarcely possible for gentlemen to form even any general ideas on the whole of the subject, as it is now modelled.

But first with respect to this extraordinary system, most undoubtedly the claim of merit in being the author of it, can admit of no question. My noble friend has waved all possi-

ble pretensions to it; but not, I am sure, more chearfully than I concur with him, in declaring it to be the sole and entire possession of the right honourable gentleman who has officially produced it. With him let the whole credit of it reside, undisputed and unenvied. He indeed who contends with him for its honours must be instigated by unjustifiable motives: for, surely, never did there appear a work more completely, more indivisibly the sole and genuine composition of its author, than the present system evidently demonstrates itself to be exclusively the work of the right honourable gentleman. No necessity can be alleged to have given rise to it, for it flows from the mere will of the proposer. No urgent, no pressing calamity bore a share in its introduction. It is the offspring of peace and domestic tranquillity. Surely, therefore, it would be false and injurious to allege, that the people of Ireland had forced the British minister into a tame surrender of the manufactures and commerce of our country. The fact is directly the reverse. The British minister has proffered this surrender from his own mere motion, his own sound will, his own unbiassed judgement. Unquestionably, therefore, he, and he only, is clearly entitled to enjoy all the merits and all the honours of a system so completely and so perfectly his own. &c

Perhaps, indeed, from the examples which the right honourable gentleman has so frequently afforded us of a wonderful perseverance in the defence of his own opinions, and at the same time as complete an adoption of the amendments which we suggest, and he himself disapproves, we ought not to be very much astonished at any new and sudden appearance that his present system may have assumed; but I confess, however, it was with considerable astonishment that I heard the right honourable gentleman state his new propositions. For these, Sir, are at once, directly, totally, and vitally in contradiction to the whole of that system on which he set out, and from which, if we had trusted merely to his own solemn declarations, we must have believed it impossible that he could deviate in the minutest degree. In saying this, the committee must be sensible that I speak merely from the impression which the resolutions have made on my mind as they were cursorily read over and explained by the right honourable gentleman. I have not had time, and the committee are not to be permitted to have time, to read and weigh these propositions before they determine upon their merits; but such is the impression which, on the first blush, they have made upon my mind.

Sir, I have all along understood, that the basis of the right honourable gentleman's original system was reciprocity in

correspondent duties, and reciprocity in the prohibition of the export of raw materials. Now, these principles, in my mind, the right honourable gentleman has completely abandoned in his new propositions; for, particularly in the article of beer, an exception is made to the reciprocity in correspondent duties, and, in the seventh resolution, a change is made with respect to prohibitions. The right honourable gentleman has, therefore, retracted and recanted his original principles; he has abandoned the ground on which he set out, and on which he so frequently pledged himself that the whole of his propositions should stand or fall. He has abandoned the reciprocity in correspondent duties; he has abandoned the reciprocal prohibition of raw materials. In these instances, which if they are said to be trifling in themselves, are not trifles when considered as departures from principle, he has abandoned his ground; and by doing this, he opens a new system, and comes forward with a set of propositions, so far forth diametrically opposite to, and fundamentally different from, that system which he himself has most repeatedly assured us could not possibly admit of the slightest change, and was, indeed, to be wholly inviolable.

Sir, the right honourable gentleman reprobates the charge which has been imputed to him, of rashness in the original propositions. Was there ever a charge made with more truth, or demonstrated with more clearness? Has not the right honourable gentleman's conduct on this day given the most unequivocal testimony to the original rashness of his system? What can be a more decisive proof of original rashness, than subsequent retraction? The right honourable gentleman brings forward a set of resolutions, as the basis of a system for the intercourse between the two countries: he pledges the government of this kingdom for the literal establishment of his system: he proudly resists inquiry, and scorns deliberation; but, when circumstances arise which he has not ability to overcome, and time, in spite of his opposition, is procured for inquiry and discussion, he is constrained to acknowledge the errors of his first opinions, and he comes forward with a set of propositions directly the reverse of the former. Whether this does not exhibit the rashness of the right honourable gentleman in colours more warm and durable than any with which we on this side the House are able to characterise his conduct, I submit to the committee and the public. The rashness of the right honourable gentleman is proved by the right honourable gentleman himself; and it is singularly striking—that by the whole of his behaviour—the rashness of one day is to be proved by the rashness of another. He now brings forward to the committee a set of propositions directly contra-

dictory to those on which he first proceeded; and having thus himself demonstrated the rashness of his own conduct in the first instance, he becomes enamoured of this boasted weakness, and yet most liberally determines that we also shall be admitted to a full participation of it, by a rash, premature adoption of these his latest notions; which, however, may as suddenly and as consistently be abandoned as the former. So hostile is he to deliberation, such an avowed enemy to every thing that looks like inquiry and reflection, that even on this day, when he is suffering the shame of rashness, he calls upon us to be rash. Although his propositions have been but once cursorily read over, and in that reading embellished and set off with all the lustre of his eloquence,—although they are perfectly new,—and although he has not submitted them to the committee till after midnight, he demands and compels us to come to a vote on them. The decency of this conduct I will not insist upon; but thus driven, thus forced to a division, I must, however unwilling to give a hasty negative, vote directly against his propositions, as conceiving them to be at the best unnecessary, most probably pernicious, but undoubtedly so productive of an entire revolution in our commercial system, as to involve a train of consequences, against which the wisest and best characters of this country might despair of providing any adequate security.

But, Sir, I must congratulate the committee—I must congratulate the country—on the happy escape which we have had from the system proposed by the right honourable gentleman but two months since. That system, the ruin of which has been this day so ably demonstrated, was then within four and twenty hours of being carried through this House: so that when we look back on all the circumstances of the case, we have indeed good reason to rejoice in our fortunate escape. The first propositions, when they were originally opened in this House, were pronounced to be so pure and beneficial—so clearly and demonstrably perfect, that not a moment was to be wasted in a useless discussion of their merits. The right honourable gentleman, therefore, inveighed against the strange, uncandid opposition which was made to those his first propositions. He attributed the opinions of this side of the House to mere faction and disappointment: he called our solemn appeals to the legislature and to the nation, illiberal artifices to excite unnecessary clamour: he gave a haughty defiance to the manufacturers and merchants, to exhibit any reasonable argument against a system so replete with every beneficial consequence to themselves; and he triumphed in the circumstance, that for some days not a single petition was brought to the House from any part of the country

against those propositions. Afterwards, indeed, he was forced to abate his triumph; he found no want of petitions, nor of argument; but his language was still lofty, and his mind implacable. His system was so superior to the petulance and faction of those who opposed it, that he declared his resolution of carrying it into a law, even to the letter of the specific resolutions. Convinced, however, as we always were, that these resolutions were fraught with injury and ruin to the manufactures and commerce of this country, we warned — we conjured the House to deliberate — to call for information — to examine those, who, from their situations, were the most likely to be possessed of intelligence. We called for the commissioners of customs, and the commissioners of excise, that the House might learn from them, whether from the operation of these resolutions the revenues of the country were not instantly exposed to insurmountable dangers. The right honourable gentleman reprobated the proceeding. He asserted, that we called for these commissioners merely to gain time; that our purpose was insidious delay, in order to inflame the public, and stir up factious clamours. But what has been the issue of all this? Will the right honourable gentleman now dare to attribute our conduct to those unworthy motives? The commissioners, whose opinions on the subject he considered of so little avail, have declared by their report, that material and alarming injury would unavoidably arise from these resolutions, fraught, as they conceive them to be, with innumerable dangers. But still more strongly has the right honourable gentleman himself, on this day, described, in his own beautiful language, the variety of ruinous consequences that must have attended his original system. He himself has enumerated to the committee the long train of evils we have escaped, by opposing his propositions — he himself has emphatically described the destruction we should have incurred by adopting his own exploded system. Let the committee recollect the detail of fatal consequences thus authoritatively admitted.

First, it has been now admitted, that if the original resolutions had passed, we should have lost for ever the monopoly of the East-India trade. It has been admitted, that we could no longer have renewed the exclusive charter of the company; but the sister kingdom, having once an equal power with ourselves to trade to Asia, we must wholly have depended on the will of Ireland for a renewal of the charter, by which the monopoly could alone have been maintained.

If these resolutions had passed into a law, it has equally been admitted, that we must have hazarded all the revenue arising from spirituous liquors; no distinction having been

made between our own and foreign liquors, nor any provision thought of to prevent their admission into this country.

If these resolutions had passed into a law, we should equally have sacrificed the whole of the navigation laws of this country. These laws, the great source of our commercial opulence, the prime origin of our maritime strength, would at once have been delivered up in trust to Ireland, leaving us for ever after totally dependent on her policy, and on her bounty, for the future guardianship of our dearest interests.

If these resolutions had passed into a law, we should have opened the door to a more extensive contraband trade than ever yet was known to exist in this country, for not a shadow of protection was provided against every species of smuggling, not even the means which we think it necessary to use in our own traffic from port to port — that of requiring bonds, cockets, and other instruments, on goods sent coastwise.

If these resolutions had been carried into a law, we should have endangered the loss of the colonial market to the manufactures of Great Britain; for no care was taken to prevent Ireland from giving bounties, or allowing drawbacks, on goods exported to the colonies; so that it was left in their power to give so decisive an advantage to their own manufactures, as must have ascertained to them the market; or, which would have been equally ruinous, have forced us to enter into a warfare of bounties, to the extinction of our revenues.

If these resolutions had been carried into a law, dangers as extensive must have equally been incurred by our colonies; for not a single provision was stipulated for laying permanent high duties on the produce of foreign colonies imported into Ireland; so that, at any future time, Ireland might have taken off the annual high duties, and given admission to the produce of foreign colonies, on terms, which must completely have ruined our West India islands. I need not state to the committee a fact so universally known, as that the produce of our colonies is dearer than that of the foreign islands. But we have nevertheless preferred the home market, on account of the natural interest which we have in them: and undoubtedly we must continue to do so. Ireland has no such obligation: on the contrary, her interest would as forcibly lead her to the foreign colonies.

If these resolutions, therefore, had passed into a law, we should have been irretrievably bound to our part of the bargain, whereas Ireland would by no means have been confined to hers.

If these resolutions had passed into a law, by the monstrous incongruity of the fifth, it would have been in the power of

Ireland to draw a revenue from our consumption. They had only to lay an internal duty in Ireland, on the articles of our consumption, equal to the internal duty that might exist on such articles in this country, and it must have followed, that they of course would have drawn the revenue from the country that was to consume the goods. This astonishing absurdity is done away by the removal of the latter part of the fifth resolution. Thus also, if these resolutions had passed into a law, the leather trade must as certainly have been ruined; for though we were bound in all future time to send our oak bark to Ireland duty free, Ireland was not bound to prohibit the exportation of raw hides to Great Britain, without which the trade could not subsist.

These, Sir, are some few of the evils, which confessedly would have taken place, if the original resolutions, which the right honourable gentleman proposed but two months ago, had unfortunately passed into a law. All these menaces, these fatal consequences of his own rash system, the right honourable gentleman has on this day himself acknowledged, at the same moment that he introduces, for the first time, a new set of complicated propositions, in remedy of the detected mischiefs of the former. In doing this, he has at once completely changed the ground on which he first set out; for having originally declared, that the very spirit and soul of his system was to square and finally determine the relative situation of the two countries, he then maintained that this salutary, this grand, this primary object, could only be accomplished by a complete and perfect reciprocity; yet that essential, that vital principle, he has now totally and directly abandoned, as well in the remarkable change which he has introduced in the seventh resolution, as in the article of beer, the export of which is of infinite consequence. Reciprocity, therefore, which was the vital principle, the spirit, the quintessence of his system, is now completely abandoned.

Sir, that these alterations are for the better, I most cheerfully admit. Undoubtedly, they tend to make the present system far more palatable to Englishmen. Why then, it may be asked, do I now state them? Clearly for this reason: to manifest to the House the important benefits of deliberation. I mention them, to shew that the alarm given by gentlemen of this side of the House, was a most fortunate alarm for this country. By that fortunate alarm, the manufacturing communities in every corner of the kingdom have been apprized of their danger; they have had time to come forward; they have had time to give those lights to the committee which have been the happy means of producing the alterations of this day. I mention them to shew what must have been the

consequences to the empire if the committee had implicitly fallen into the system, which the rashness of the right honourable gentleman, I will not say his ignorance, but which, to give it an easier term, his extraordinary confidence in his own abilities, induced him so peremptorily and so authoritatively to propose.

There is also another, and even more powerful reason for my enlarging on these important alterations. It is, Sir, to convince the committee, that there is still a powerful appeal to our equity, our benevolence, and even our common sense, for affording the merchants and manufacturers of this country a much longer period of deliberation, and surely as strong a claim on the justice of the minister, to suspend the vote of the committee on a question of such infinite magnitude to all our just and dearest interests. The committee will be taught, by a due estimation of the benefits already acquired from salutary delays, that most important advantages are to be derived from fair inquiry and impartial discussion. If in two months such serious and consequential errors have been discovered, what may we not expect from longer time and more careful investigation? If in two months the right honourable gentleman has gleaned so much from this side of the House, and from gentlemen whose ideas he certainly is not much disposed avowedly and ingenuously to adopt, however willing he may be to benefit in secret from them, what may we not expect, when his bright talents have had more time to work on the suggestions with which we have furnished him? That he has largely profited from this side of the House, the committee will readily perceive; neither will they, I believe, consider it extremely presumptuous, if I arrogate some degree of honour to myself, in having contributed a little to the amendments of this day. From my right honourable friend (Mr. Eden) the minister has certainly collected many more of his new opinions. Surely, therefore, from the excellent use which the right honourable gentleman has already made of our discoveries and suggestions, it will more and more be the wish of all impartial men, that he should have time to mature the many other matters which he has not yet so far honoured us as entirely to adopt. For what must be the fruits of those ideas, how ample, how rich must be the harvest they produce when his protecting hand shall raise them from obscurity to a richer soil: when he himself shall "transplant them to his own fair garden where the sun always shines." Nothing surely can be more beneficial than to wait for their mature production: I speak for myself, and I am sure I may speak also for my right honourable friend and the other gentlemen round me, that we shall be happy to trust our progeny to his care.

If he is a plagiary, he is a plagiary uncommonly endowed; for he decorates that which he steals in apparel so gay and luxuriant, he enriches whatever he takes with such additions of flowers and embroidery, that though, as their legitimate parents, we recognize our own offspring, we view them with no small degree of wonder in their strange and sumptuous attire. On this day, indeed, we may be proud to contemplate the predominating efficacy of our own suggestions; and on this day alone has the right honourable gentleman, for the very first time, condescended to depart from his usual stateliness and overbearing sense of his own superiority. Upon this day, with new and unaccustomed affability, he neither reprobates nor reviles the opinions to which he has deigned to accede. It is to us a strange and unexpected triumph, not indeed to have our ideas received by the right honourable gentleman, (in that acceptance he is courtesy itself) but to hear them, even in the moment they are admitted, unstigmatized by the receiver, nor as usual traduced in words, while they are approved in fact, and vilified at the very moment of their adoption.

The right honourable gentleman, whom my noble friend (Lord North) most truly painted, when he asserted, that "he had a mind which found gratification in invective*," has this day alluded to a letter written by a noble lord as a dispatch from Ireland, during the administration of which I had the honour to make a part, and he has insinuated, that the letter manifested an intention in that administration to have gone the lengths of the present system, "if they had had energy "sufficient for so great an adventure." I did not expect that even from him such a construction would have been put upon that dispatch. From his colleagues in office, I am confident of meeting with more candour. But the letter has been read: I submit to the committee the terms of that letter, and call upon them to say, if the English language could furnish expressions more decisive of the contrary opinion, than those in which we declared to the lord lieutenant, that we could not encourage him to make a promise to Ireland which, if ful-

* Lord North said in the course of his speech, "There are some men, Mr. Gilbert, who seem to be organized for slander; there are some men who, by the peculiar temperament of their nature, find gratification in invective, and so eager are they for the enjoyment of their lust, that they go about to seek for blemishes, in order to expose them; and in pursuit of their game, they will sometimes pretend to find them where they are not. Such men, if they propose any measure, are infinitely more desirous to make it stand upon the faults of others, than on its own merits; and such a man I take the right honourable gentleman to be."

filled, would be destructive to Britain. In that opinion we were then unanimous, and to that opinion we firmly adhere. But are these the arts by which the noble lord and I are to be degraded in the eyes of Britain? Let the minister persist in these unworthy insinuations: he shall not deter us from what we know to be our duty—he shall not overcome that deliberate firmness which, after healing the calamities of Ireland, and happily establishing both her commercial and constitutional liberty, had sufficient spirit, sufficient justice, to withhold what it were ruin to relinquish, and what indeed was as little expected or sought by Ireland, as it was safe or just for an administration here to bestow. That letter, which was written by the noble lord in his official capacity, was of too much consequence to be written under the sanction of any individual department. Every one of his majesty's confidential servants was privy to the measure; nor was any dispatch ever made up on a more decided and unanimous opinion. Let the right honourable gentleman refer to some of his present colleagues for information on the point. As to the "want of energy—"the temporizing spirit—the half measures—and the expe-"dients of getting over a session by a Post Office or an Ad-"miralty Court;"—all these are insinuations which my noble friend has completely refuted. Neither the Post Office nor the Admiralty Court were conceded as expedients to get over a session; they were neither given nor accepted as boons; they were the natural consequences of the previous change of system; they flowed naturally from the new situation in which Ireland stood by the independence of her legislature. What occasion had we for expedients to get over a session? The lord lieutenant of that day enjoyed as high a degree of confidence, and deserved it as well as any nobleman that ever filled the station. We were guilty of no violences, and there existed no clamour.

I cannot help stopping here for a moment, to make a remark on a curious distinction to which the right honourable gentleman appears most remarkably attached; a distinction which betrays a feeling that I cannot well describe—a sort of self-complacency—a kind of over-pleasure with his own situation. In speaking of the noble lord in the blue ribband at different periods, he is ever solicitous of distinguishing between the first lord of the treasury and the mere secretary of state. In the one character he ascribes to him all the dignity of sovereign rank, of superintendency, and of sole authority—in the other, he considers him as rather acting under or with a ministry, than as a minister possessed of either power or responsibility. He says of him at one time, "When the noble lord was the minister of the country;" at another, "When the

noble lord held a subordinate situation in the cabinet." By these distinctions, the right honourable gentleman takes a juvenile pleasure in glancing at his own elevation. He considers the personage who fills the united offices of chancellor of the exchequer and first lord of the treasury, as a character so lofty and exalted, so supereminent in his station, that he must on no account be confounded with inferior persons. In like manner, when he talks of coalitions, and reprobates them, he is moved by the same feeling. His charge against me and others is for coalescing with the minister, the great superintending minister of the American war! His own coalitions he can readily defend by the very same distinction. "I own," he says, "I have certainly coalesced with some of the ministers who were concerned in the patronage and conduct of the American war: they, however, were inferior characters; lords chancellors of England, and such like persons, of no account: but never have I been so infamous and abandoned, as to form a coalition with the chancellor of the exchequer and the first lord of the treasury, the great superintending minister of the crown, who was the soul of the system." I do not, Sir, enlarge upon this feeling of the right honourable gentleman, as a charge against him: it is a feeling, in the enjoyment of which I am by no means inclined to disturb him: a feeling, in the enjoyment of which, I know of no person that has any interest to disturb him; unless, indeed, there may be some of his immediate colleagues, who may think it would be somewhat more decent in him to gratify his passion or his pride in a mode less publicly offensive both to their spirit and their dignity.

But to return, Sir, to the propositions on the table. I must now renew the observation that I made in the outset of this business; namely, that there was a gross and fundamental error in originating these propositions in the Irish parliament. Independent of the insult to the parliament of this country, in not submitting, for their consideration, a great and extensive innovation in the whole system of our commerce, till after it had been determined upon in Ireland — surely the experience of this day sufficiently demonstrates the impolicy of so strange a measure. For is it not evident, that after the parliament and people of Ireland have been suffered to cherish the belief, that the resolutions which the ministers of that kingdom assured them would be religiously adhered to as the basis of the new system, the ministers of England come forward, and change the spirit, principle, and tendency of these resolutions? Is it to be imagined, that, after the solemn pledge which the people of Ireland have received from their ministers, and which undoubtedly was held out to their parliament as a

sufficient ground for an immediate extension of their revenue — is it to be imagined, I say, that, by any private tampering with the individual leaders of a party, the whole body of that nation will as rapidly acquiesce in the supplemental resolutions now brought forward as they at first did in the original propositions; and when, too, the latter are directly framed to weaken and diminish the effect of the former, which those who proposed them in Ireland, had peremptorily insisted should never undergo the slightest or most minute infringement? Nothing can be more absurd than the state of this proceeding. First, the original propositions were made in Ireland — now, the amendments are made in England. The Irish thus exposed what alone would content them, and they were offered it without knowing whether it was what England would grant. Now, England is called upon to say what she will give, without knowing whether it is what Ireland would take. Thus, a double inconveniency and dilemma arises from the strange and incoherent proceeding. Nor is this the only impolicy in the mode of conducting this extraordinary measure.

His majesty's ministers have erected a board of trade under the name of a committee of the privy council, which certainly, with proper regulations, I should consider as a wise and wholesome institution; but this board was appointed not to prepare materials for the system with Ireland; not to supply government with information upon which they might deliberately proceed to the adjustment of the intercourse between the two kingdoms. On the contrary, this board was appointed to inquire rather into the propriety of what ministers were actually doing, than what they ought to do. For, at the precise time when Mr. Secretary Orde first agitated the business in the Irish House of Commons, this committee of the privy council were employed in the examination of evidence, and the discussion of points on which the merits of the proposed arrangement were ultimately to be estimated. Never, surely, was a board of privy council so perverted, so degraded as this! Not appointed to investigate and examine all the necessary evidence as a preliminary to an important measure — not constituted to deliberate on the various effects of a great national change, the outline of which was merely in idea, unsettled, and unadopted by the minister; but, in truth, to provide a posthumous defence for a plan already fixed, and to fabricate a vindication for mischiefs too far advanced to admit of qualification or amendment. With such views, and for such purposes, was this board of privy council at first convened. A right honourable gentleman (Mr. Jenkinson) whose feelings on being studiously excluded from all the ministerial departments of state, it was found not wholly inexpedient to

console and soothe, by some temporary delegation of insignificant eminence, was prudently appointed to the presidency of this mock committee. No higher mark of confidence was then bestowed on the now avowed associate of the great superintendant minister. On the report, however, of such a board thus constituted and thus directed, did the chancellor of the exchequer call upon this House to depend with unreserved confidence for the complete justification of his plan. In other words, we were to trust the most important rights of British commerce to the opinion of a board of the king's privy counsellors, appointed by the king's ministers themselves, to inquire whether the measure that they had adopted was wise or the contrary. Can the committee imagine any thing more frivolous, more absurd, than so partial an appeal? Do we not all know, that when his majesty's ministers are committed on any one point, the servants whom they employ must be careful not to deliver an opinion hostile to that measure? The board of council are selected by the minister, not as deliberate judges of his conduct; it were the extreme of folly to consider them in such a light; on the contrary, it was their object to afford every possible support to measures which they were called upon directly to countenance. This always was, and ever must be, the case; and so the committee of privy council in the present instance seem entirely to have considered it. At first, indeed, before the minister had thought it safe to communicate his plan to the right honourable president of this board, some opinions, far from favourable to the plan, did appear upon their minutes, and of course are still to be discovered in their report; but this was a transient gloom: from the moment that the present complete intelligence and intimacy was established between the right honourable president and the ministers, a new light seemed to flash at once on the whole board of council; the happiest means were instantly pursued to effect the concealment of ministerial error; the most decisive mode of examining witnesses was systematically observed: not only the most apt and artful questions were propounded, but with equal skill the most fortunate answers were generally provided; all, however, was carried on with much plausibility and stateliness of deportment. "It was an open court, it was accessible to witnesses of all descriptions, and accordingly" (as was repeatedly asserted), "gentlemen attended them of their own accord, and voluntarily offered their impartial testimony, on the various articles of their respective manufactures." But how has this description been verified? We have it in proof, that every individual witness who attended that board was expressly sent for — and that questions were put of an abstract nature, and on premises unexplained. We have

found, too, that the answers so obtained were reserved, to be brought in contradiction to opinions which, when the premises were fully examined, and the consequences weighed, it was obvious could not fail to be stated in testimony at the bar of the House of Commons. The right honourable gentleman, who is at the head of this board (Mr. Jenkinson) has thought proper, however, to inform us, that the manufacturers were voluntary attendants on the committee. But to this more than one gentleman of eminence and respect has directly answered, that in truth the witnesses were expressly sent for; Mr. Rose of the treasury having repeatedly entreated them to attend the committee. "Ay," says the right hon. gentleman, "but we have nothing to do with Mr. Rose, nor with the "treasury, we did not send for you."

It is said in praise of simplicity of action, that "the right hand knoweth not what the left hand doeth." Perhaps this may be the case here; but which, Sir, is the right hand, and which the left, of the present administration, it is not so easy to ascertain. Certainly, the chancellor of the exchequer has, till of late, been fond of disclaiming all connection with certain obnoxious characters. He has generally, in high tone, and pompous parade, disavowed and reprobated all intimacy, all friendship, all connection, with the right honourable gentleman who has long been suspected of promoting an undue influence in the government of this country. But all this was the language of a period when the momentary popularity which the minister had obtained had placed him above the degradation of so obnoxious a connection. When the conduct of the popular branch of the constitution was bestowed upon the present minister, under the description and character of a popular statesman, it would indeed have been madness in the extreme to have held any other language of one, whose habits, whose principles, whose avowed prejudices, marked him out as utterly disqualified for a situation, which, even in common prudence, ought never to be subject to the direct control, or to the disguised influence, of prerogative. When the scene, however, began to change, when the Irish resolutions excited alarm, and the minds of men were irritated at so lavish a surrender of every thing that was dear; when the right honourable gentleman began to feel himself weak and insecure, his language was less inflated, his proud rejection of obnoxious characters was heard no more:

"Telephus et Peleus, cum pauper et exul uterque,
"Projicit ampullas et sesquipedalia verba.

"Misery makes us acquainted with strange companions." For my own part, Sir, though I have always considered

the right honourable gentleman alluded to, as an objectionable character for mixing in the conduct of the British government, yet I must do him the justice to say, that in this singular instance, his cautious temper, his patient laborious habits, have undoubtedly been well employed in correcting the strange incoherent levities of the original propositions. And, therefore, it would be wholly unfair to withhold the merit of some of the alterations of this day from the instruction and advice so generously administered by the right honourable gentleman (Mr. Jenkinson) in the hour of danger and necessity.

But to return, Sir, to the committee of privy council. I cannot suppress my indignation at the petty, miserable plan, which I am sorry to find they have pursued, of first entrapping witnesses, by inducing them to give hasty answers to questions unexplained, and afterwards endeavouring to detect contradictions in their evidence, when they came at the distance of six weeks, to speak at the bar of this committee. Upon such conduct, very ill becoming a board of privy council, I cannot but observe, that undoubtedly it would have been far more graceful for the right honourable gentleman to have lent his utmost aid to the manufacturers of this country, when they were forced to the bar of this committee in support of their dearest privileges: surely, upon such an occasion he ought himself to have manfully declared, "I rejoice to see you here: eager as I am for the discovery of truth, I am happy that you are come to explain all those points in which you have either been mistated or misrepresented by the committee of council. You have now an opportunity to correct those errors; improve it with all the sincerity and zeal that are the best characteristics of Englishmen." Such, Sir, ought to have been his language; for surely it is by no means discreditable for a man of the strictest honour to explain his opinions, when more mature reflection and greater light on the subject have convinced him that he was wrong. And yet, in pursuing a line of conduct diametrically opposite to that which I have described; in adopting the poor and miserable expedient which the minister preferred to the plain feeling of justice and honour, I pledge myself to prove, that, with all their sinister industry to confuse and to prevent, they have completely and utterly failed; for not a single instance have they been able to offer, of glaring and material contradiction in any one of the numerous witnesses who have been the constant objects of their illiberal attacks.

I have said, Sir, that so far as I have been able to comprehend the alterations, by hearing them once read over, I

am ready to acknowledge, they are infinitely more palatable than at first; but I desire to be understood, that I still insist, they are by no means what they ought to be. Much of my objection remains; and I have no doubt, but when gentlemen come to discuss the amended resolutions, they will yet exhibit weighty arguments against their acceptance, as the basis of the future intercourse between the two countries.

The right honourable gentleman has now removed the objection which originally existed against the first resolutions; namely, that we thereby sacrificed the monopoly of the Asiatic trade. How the right honourable gentleman could originally overlook that most important concern, unless he meant to abolish the monopoly, is a point for which I am utterly at a loss how to account. Surely the peculiar services which the company have rendered to his administration, might well have claimed a more serious attention to their particular interests than the right honourable gentleman seems to have paid them at the present important crisis: but roused to the performance of his duty, by the zeal of gentlemen on this side of the House, he has at length, indeed, made some provision for the security of the East India trade. Certainly I do not grudge to the people of Ireland the benefits which he has allotted to them in this branch of commerce: it is by no means improper that they should have a share of the outfit of the East India ships, as they consent to a part of the return. Excluded from the commerce of Asia, it seems but barely equitable to permit them to supply some proportion of the export trade. On the contrary, if at any time, either the necessities or the mere will of the East India Company, should resort to Ireland for such supplies, in preference to the established trade with their own native dealers, I am sure there is no Englishman of sense or spirit who would debar Ireland from every fair participation of those benefits which may be safely and justly divided.

The right honourable gentleman has made use of the most unfortunate argument that I ever heard delivered by the most unfortunate speaker in this or in any assembly. He says, that giving to Ireland the English market for the issue of colonial produce, though it will not enable the Irish to enter into any dangerous competition with us at home, will yet be of great avail to them, for they will thereby be more capable of taking advantage of the foreign market. This he explains by saying, that having the issue of the English market to depend upon in the last resort, they will have a greater spur to adventure; they will import more of the produce of the colonies; and, trusting to the power which they will now have of coming in the end to England with their commodities, they will

strive to increase their foreign trade, and necessarily make their country a sort of commercial depôt. If this argument is true of the colonial produce, it is equally true of their own manufactures. If they have the advantage of having the English market as an issue to enable them to push their foreign trade to a considerable increase in the colonial produce; then, with precisely the same ground, may we contend, that, having the issue of the English market, they will be able to advance their foreign trade for their manufactures.

Here, then, is an end to all the invective which was thrown on the manufacturers for having asserted, that those resolutions would affect the manufactures of Great Britain in the foreign market: they were told with petulance, that they did not understand the matter; and that if there was any danger of meeting a powerful competitor in the Irish manufactures at the foreign market, that danger existed before; that the foreign market had always been open to the Irish manufacturer —true, and of this they were not ignorant: but Ireland had not till now the sure issue of the English market as a collateral security for enterprize, and as a spur to speculation. I thank the right honourable gentleman for this argument; but I must apprize him, that it refers more to manufactures than to colonial produce. Does he not know, that in colonial produce, the home market is every thing, and the foreign market nothing? In manufactures, it is the reverse, or nearly so. There was good ground, therefore, for the manufacturers to state, that they should now find a dangerous competitor in Ireland at the foreign market.

With respect, Sir, to the navigation act, upon which I have said so much in the course of this discussion, do we not now find that all my apprehensions were well founded? The right honourable gentleman has at length acknowledged, that the navigation act was in danger, notwithstanding his repeated declarations to the contrary. This conviction may be collected from the nature of the remedy he has thought it expedient to adopt. Strong must have been the apprehensions which suggested such a relief; it is a relief which, in the peculiar circumstances of the two kingdoms, will require very particular consideration indeed, as its tendency is no less than this — that notwithstanding the independence of Ireland, she must still, in commercial laws and external legislation, be governed by Britain. That she shall agree to follow whatever regulations we may think it right to pursue from time to time for securing privileges to our shipping, or for restraining the trade with our colonies, and that such laws shall be in full force in Ireland, is a remedy certainly of a very hazardous kind; but, Sir, though it goes so far, it does not satisfy me;

it is dangerous indeed, but not efficacious; nor do I think that, strong and bitter as it is, it will be attended with the effects of preventing the various and radical evils which are attached to this pernicious system. I am of opinion, that even if Ireland should agree to this provision, we shall deliver up into the custody of another, and that an independent nation, all our fundamental laws for the regulation of our trade, and we must depend totally on her bounty and liberal spirit for the guardianship and protection of our dearest interests.

Now, Sir, although I feel as strong a disposition of partiality and favour towards the Irish nation as any man in this House; although I believe them to be a people as distinguished for liberality as any people upon earth, yet this is not of all others the particular point in which I would chuse to trust to their liberality. I think the guardianship of the laws which I have mentioned can be deposited in no hands so properly as in our own. It would be the interest of Ireland to evade those laws, and I ask you what security there is for the due performance of a commercial contract, when it is the interest of a nation to evade it? He who trusts to the vague and rash notions of abstract right in preference to the constant and uniform testimony of experience, will find himself miserably deceived in his calculations on all subjects of commercial or political discussion. When it is the interest of a nation to evade a law, that law will be evaded: it always was so, and it always will be so. Perhaps there is no instance of a country more tenacious of engagements than our own; but, do we not all know, that finding the illicit trade which was some time ago carried on to the Spanish main, highly beneficial to the country, that that trade was connived at, though in the very teeth of our national engagements. Now, Sir, when it shall be felt that Ireland will be materially benefited by evading our laws, and that the introduction of foreign sugars will be so much more valuable to them than the legal importation of our colonial produce, is it to be imagined that the people of Ireland will, out of mere love and liberality, shut their eyes against their own immediate interest, or that the laws which may be made in conformity with this new system will be enforced with vigour and with efficacy? Interest is the leading impulse with nations, and it supposes nothing unfavourable to the Irish, to suppose that the common feelings which actuate all mankind in their public character as states, may prevail also with them. When it shall be found that foreign sugar may be introduced fifteen or twenty per cent. cheaper than our own; and when it shall be found that they can be introduced in American bottoms cheaper than in shipping navigated according to the law of Great

Britain, it is idle to suppose that they will not be so introduced, that this sinister advantage will not be so obtained; that is, in other words, that the commerce of England will not be so affected and diminished.

Mr. Orde, on opening his system to the Irish parliament, if we may trust to the reports of the newspapers—and that we may do so, is evident from this circumstance, that though Mr. Orde was in London several days, he never came down to the House to contradict the reports, though argument was daily founded upon them—stated that Cork would become the emporium of the empire. This expression, to be sure, he afterwards changed to a term more prosaic and modest, affirming that his original phrase had been that Cork would become the medium of trade to the empire. The difference is immaterial, except in the sound of the word; for by medium I can understand nothing else, than that the produce of the western world will, in the first instance, be imported into Ireland, be deposited there as the magazine of the empire, and be subsequently dealt out to Britain as her wants may make such application necessary. We have a less sounding and less intelligible phrase, but the real meaning remains still the same, and the measure of oppression and injury unchanged or unabated. That Ireland will be this medium, I have no doubt; and its being so will produce an evil beyond the mere loss of the direct trade to our colonies; for there is every reason to believe, that by this means the produce of the French and other foreign colonies will find their way into the country, to the ruin of our West India planters and merchants. But, says the right honourable gentleman, it is not to be believed, that a circuitous voyage, as this will be, can be preferred to a communication with our colonies; and in a whisper across the house he says, that Britain even now supplies the Irish market with colonial produce. This, Sir, in my opinion, strengthens my argument; such is the decided benefit resulting from having two markets instead of one, that now we are able, with all the disadvantage of the circuitous voyage, to supply Ireland. What, then, must be the consequence to Ireland when she shall enjoy the double market, added to all the advantages arising from harbours so admirably accommodated by the hand of nature for the intercourse in question; from cheap labour, and from an almost total exemption from national burdens? She will indeed become the emporium, or if the right honourable gentleman, out of compliment to his friends in England, likes it better, the medium of trade to the general empire, and indeed almost exclusively so with respect to the produce of our colonies.

The right honourable gentleman has been anxious to set

up an argument in favour of this country, that great capital would in all cases overbalance cheapness of labour. I know this to be the fashionable position of the present times, and of the present government: but general positions of all kinds ought to be very cautiously admitted; indeed, on subjects so infinitely complex and mutable as politics and commerce, a wise man hesitates at giving too implicit a credit to any general maxim of any denomination; and with this conviction in my mind, I am prepared to controvert the position of the right honourable gentleman, at the same time that I do not desire to be understood as wishing to establish the contrary. I do not think that great capital will always overbalance cheapness of labour, nor that cheap labour will always overbalance great capital; as general theorems I dispute both, at the same time that I am clearly of opinion, that under certain circumstances both may be true; we have known several instances in which the cheapness of labour has triumphed over greatness of capital. In the rapid transitions of fortune in this country, do we not daily perceive the triumphs of industry over wealth? Have we not abundant precedents to shew, that our manufactures have changed their positions in this country merely on account of the cheapness of labour and provision? Have they not within these thirty years travelled into Scotland, and is it not likely that precisely for the same reason, together with other incitements, they will migrate to Ireland? But, says the right honourable gentleman, the difference is not so great as is imagined in the price of labour; it is only rude labour which is cheap in Ireland, and the finer parts of work are much dearer there than in England. In proof of this assertion he brings Captain Brook to the bar of the House of Commons, a gentleman who has established a very considerable manufactory of cottons in Ireland. Whether it is perfectly proper to bring gentlemen from Ireland, to give evidence before the House of Commons, on a subject that is to benefit Ireland and not England, I will not take up much time to inquire.

The Irish are beyond all question greatly interested in the conclusion of this bargain, and exclusively so as to hopes of benefit; their evidence, therefore, as parties influenced and prejudiced, may perhaps be deemed improper when brought forward to support the system, and to persuade this House. I know it may be said, that Messrs. Richardson, Walker, Peel, and others, who have given evidence on the other side, are also interested in the termination of this compact. I admit the fact; but on which side does their interest lie? and to which ought we in this House to incline? They are interested for England, of which we are the delegated guar-

dians—Mr. Brook is interested for Ireland, who is on the other side negociating for himself. Taking it, therefore, in that point of view, I cannot hesitate a moment as to the path which it becomes me, as a British member of parliament, to pursue, in the credit which I am to bestow on the evidence adduced. But in this point of the cheapness of rude labour, hear what the intelligent Mr. Peel says:—"The finer parts of work cannot be carried on without the ruder. It is on the rude work that the hand is qualified in its art, and every man who is employed in the finer branch, was first employed in the coarser." The cheapness of rude labour is, therefore, an advantage which in manufactures of the finer kind must be highly favourable; but in those which are in their quality coarse, must give to the country a decisive superiority. In one instance this has been proved. A manufacturer of Norwich gives it in evidence, that he can buy in Norwich, Irish worsted yarn cheaper than he can buy English, although it is subject to five or six duties before it reaches him, and subject also to the expence of the voyage and of the carriage, as well as of the internal duties in Ireland; so that upon a fair and just calculation, it is demonstrable, that they can manufacture worsted yarn in Ireland 45 or 50 per cent. cheaper than in England. But, say the witnesses from Ireland, it is by no means likely that Ireland will ever establish a cotton manufactory to rival that of Manchester: it would not be her interest to do so, and there are many stubborn inconveniencies which she has to surmount. I will admit the supposition for the sake of argument, though I by no means think it founded in probability. But admitting even that she shall not think of establishing a cotton manufactory, she may still by these new resolutions effectually cut off the Irish market from ours; for having a manufacture of her own to substitute in the room of this, she may lay a duty on cottons, which by the principle of countervailing duties might amount to a prohibition of ours, and, by a side blow, annihilate the Manchester manufacture in the Irish market at once.

And this leads me to an argument which has been much insisted on in favour of these resolutions—that by the means of the new system, the right honourable gentleman would have the merit of putting an end to all idea of protecting duties. On what rational ground does he claim to himself this merit? By the power which is thus left to each country, to lay internal duties on such manufactures as they may covet to crush for the sake of advancing a substitute, he gives rise to a countervailing duty that will act as a complete, though indirect, prohibition; and that this is in favour of Ireland and inimical to England, is evident from this circumstance, that by

the fatal ninth resolution we have for ever given up the only remaining hold which could have operated as a protection against so obvious and alarming an inconvenience. Protecting duties, however threatened, would never have been imposed under the old intercourse; for the good sense of Ireland would not have suffered the danger of retaliation on their staple commodity: that danger they will now no longer be exposed to. But, the right honourable gentleman says, that we shall by this means bind the two nations together in indissoluble bands; that between nation and nation the intercourse should be regulated by principles of equality and justice; and that this ought to be more particularly studied between nations that are sisters, as it were, and are so connected in interest and in blood as Great Britain and Ireland. To such principles as these, if acted upon with wisdom or the chance of mutual harmony, far be it from me to object! My objection is, that the intercourse is not to be regulated by principles of equality and justice. Let us suppose a fair and equal admission of manufactures into each country free of all duties—which of the kingdoms would shudder most at such a freedom? The Irish undoubtedly. We are to give them an intercourse infinitely more beneficial than throwing open our ports entirely; and in doing this, we have given to Ireland the power of offending us without reserving the means even of retaliation, much less of prevention.

By the seventh resolution we bind ourselves in no future time to prohibit the export of raw materials to Ireland. This is a measure which may be found highly prejudicial to our manufactures. In the course of this session we have passed an act to prevent the export of rabbit skins, for the benefit of our hat manufactory. May not other occasions arise, in which it would highly affect us to suffer raw materials to go out of our hands into those of foreign states, under the name of Ireland; for such is the danger that I apprehend. A cargo of raw materials may be entered at our custom house for Ireland; but what security shall we have, either for their being carried thither, or for their stay in the country if they reach it? Never let us be so weak as to trust to generosity, when interest is at stake.

The ninth resolution, Sir, is that which I reprobate the most, and in that no alteration is made. By that resolution we for ever surrender the only power which we had of enforcing the due performance of all the parts of the bargain obligatory on Ireland. By giving up all legislative control over the admission of her staple into Britain, we for ever throw ourselves on the mercy of Ireland, and have no means of protecting ourselves against her future caprices. It is by such

means that the right honourable gentleman hopes to produce a lasting amity between the two kingdoms. He provides ill for peace, who deprives himself of the weapons of war. True policy suggests, that with a disposition to be amicable ourselves, we should be prepared against the effects of a contrary disposition in others.

In regard to the compensation, I hardly know in what view of it to express my particular reprobation. The exaction of a permanent provision from Ireland is what I consider as a measure pregnant with the most alarming consequence to the liberties and to the constitution of both countries. As an Irishman, I would never consent to grant it; and as an Englishman, I cannot accept it. What Ireland cannot concede with safety, England cannot receive with grace. It has always been the leading and characteristic privilege of our legislature—and when I speak of ours in this instance, I may include the legislature of Ireland also—to limit all grants of supplies to the period of one year. Thus the supplies for the army are voted annually, for the navy annually, for the ordnance annually, and so also in every description of public expenditure that may any way tend to produce an undue control over the subject: to make them perpetual, even though the application of them is to be left to the disposal of parliament, is a measure to which I cannot give my consent: it establishes a precedent for diminishing the sole security which the domestic branch of the constitution possesses against the encroachments of the executive. Annual supplies are the vital source of the influence and authority which the representative body have, and ought to have, in the respective legislature of the two countries, and I can accede to no regulation that has the operation of impairing so invaluable a privilege in the smallest degree. I object to this compensation on another account; and that is, that I do not think it worth our acceptance; for even if the surplus of the hereditary revenue should amount to a sum, which might be valuable when applied to the maintenance of our navy, what security have we that the Irish nation may not withdraw the sum which they now appropriate to the army? They now maintain a very considerable part of our army. I wish to know if it will not be in their power to withhold that sum whenever they shall deem it expedient, after the establishment of this new system: therefore what we gain in the one way, we may lose in the other. We may lose from our army what we are to gain in our navy, with this material difference still existing between the two cases, that the supply which is now granted on the part of Ireland for the support of our army, is granted in a manner truly and perfectly congenial with the practice and

spirit of our own constitution; whereas the proposed expedient of the service of our navy originates in a violation of both, and cannot operate but to the obvious disadvantage of the popular department of the Irish government. The right honourable gentleman says, the surplus of the hereditary revenue would be appropriated to the purchase of provisions for the navy, and that thus it would be beneficial to Ireland. To this I have no objection; I think it would be reasonable and advantageous. But to the permanency of the grant, I must enter my most cordial and determined protest. The right honourable gentleman says, that there he would not trust to the generosity of Ireland for a compensation, which he considers as founded in justice. He will implicitly trust to her generosity and kindness for the due and vigorous execution of the trade laws, but he will not trust to her generosity for the return which she shall make for his present benevolence towards her. In this I completely differ with the right honourable gentleman. I would trust to Ireland in the case where he would not, and I would not trust where he is inclined to do so. If there be any nation upon earth, in whom, on a point of honourable compensation, I would have implicit confidence, it is Ireland: but in the due performance of commercial regulations, where the laws stand for ever in the way of interest and adventure, I would not trust to any people existing. In the case of the compensation, the voice of all Ireland would be heard in her parliament. In the instance of sinister trade, it would be confined to the intrigues between smugglers and custom-house officers; and neither the generosity nor the manliness of the more enlightened and polished part of the nation would be at all concerned in the discussion.

The right honourable gentleman has insinuated, that there is an immediate necessity for adopting the system which he has proposed; that is as much as to say in plain English, he has held out the resolutions to Ireland, and the necessity for adopting them has arisen from his having done so. This is a mode of argument which merits a great share of countenance, whatever truth there may be in the fact. Ireland is not however, I trust, so unreasonable as to insist upon the rash and intemperate transfer of privileges, demonstrably ruinous to England. "But," says the right honourable gentleman, "this system will finally determine every question between the two nations, and nothing can arise in future to make a contest between them." I call upon the right honourable gentleman to say, what security he can give us for the certain accomplishment of his presage. Does he speak from experience? Evidently not. Experience of the first, which I conceive to be

the best criterion by which to determine the probability of the future, is against him. When the noble lord in the blue ribbon, in the year 1780, opened to the Irish the trade of our colonies, the parliament of that country declared themselves fully gratified, and thanked his majesty in terms of the utmost gratitude and apparent satisfaction. In a few months, however, their voice was heard again. In the administration of which I made a part, their legislature was declared to be independent; and in addresses from both Houses of parliament, they professed themselves so entirely content, as not to consider it possible that any subsequent question of political division could arise between the two kingdoms. Yet in the very next session they gave indications of new dissatisfaction, and farther concessions were made. How are men to argue from these facts? One would imagine, that the most effectual and satisfactory method of quieting the apprehensions, or relieving the exigencies of a distressed country, would be that of appealing to their own testimony for a knowledge of their circumstances; to collect information from themselves; to desire them to state, in their own persons, the measure of their calamities, and the best expedients for the relief of them. This was precisely the way pursued heretofore. The concessions were granted on the declarations of the best informed men in the land — men the best qualified to know the state, the wants, and the expectations of the kingdom. Mr. Hussey Burgh and Mr. Grattan, names which no man could mention but with the sincerest and most cordial respect, were the authorities on which England proceeded, and on which she relied. But this, it seems, however specious and natural, was not the proper method of ascertaining the wants or wishes of another kingdom. The true and only means of finally concluding all disputes with Ireland, is to send a stranger there, and order him to address himself to their senate in such language as this: "Hear me, ye men of ignorance and credulity! You know nothing of what you want, what you wish, or what would be good for you — trust yourselves to me — I am perfect master of all your infirmities — here is the specific that will cure you, the infallible nostrum for all ailments." It seems that this is the only conciliatory expedient for administering to the relief of a disordered state — not to suffer the inhabitants to speak, but to send a man amongst them ignorant at once of their exigencies, their grievances, and their policy, to propose wild schemes of extravagant speculation, and prescribe for the disorder, without the painful tediousness of trying to understand it. In compliance with this new idea, Mr. Orde, an English gentleman, the secretary to an English nobleman, the lord lieutenant for the time, rises up and proposes a set of resolutions which he pledges himself to carry into complete execution.

These resolutions are brought to England, and after two months discussion are completely and fundamentally altered. Upon these resolutions the right honourable gentleman thinks himself warranted to say that the system will be final. The right honourable gentleman said, that he must have a fund of credulity who believed all the evidence which the manufacturers had given at the bar. In like manner I say, that he must have a fund of credulity indeed, who can believe on such premises that the Irish will be content with this system, or that the general interests of both countries can be promoted by its establishment.

"It is possible," says the right honourable gentleman, "that one country may lose what another may gain." I am ready to agree with the right honourable gentleman, that in similar manufactures, or even in the same manufacture, one country might open channels of commerce unknown to another, the one acquire riches without the other suffering diminution: but it so happens, that between England and Ireland, under these resolutions, this cannot be the case. Their channels of consumption are precisely the same, and a mutual participation in all markets is the leading principle of the agreement. Ireland, therefore, cannot make a single acquisition but to the proportionate loss of England. I defy the right honourable gentleman to mention any one article — and he has not mentioned one — in which Ireland may gain without England suffering a loss. This, Sir, constitutes the distinct and prominent evidence of the impolicy of the system. It is this which will stir up jealousy between the two countries, and make Englishmen and Irishmen look at one another with cold hearts and suspicious eyes. If any one thing demands more than another the cautious deliberation of the committee, it is that of guarding against insidious competition; to take care that the new system shall not make the countries rivals instead of friends.

Another objection requires a more satisfactory answer than it has yet obtained. We have gone great lengths for the suppression of smuggling, and have loaded our constitutents with a commutation tax of a most heavy and unequal kind, merely to crush the contraband trade on our coasts. Upon the very heel of a most oppressive and unequitable expedient for the prevention of smuggling, we are preparing to adopt a new system, that will give to every species of this indirect and contraband commerce ten times the vigour and the generality that it ever possessed in the country. This is the right honourable gentleman's consistency. In one year he loads the subjects with the most intolerable imposition to which they were ever exposed; and the single motive, as well as

the only possible excuse for it is this—the prevention of smuggling. The next year, he introduces a new measure, the obvious and undeniable tendency of which is, to encourage all illicit trade to an extent hitherto unknown in any period of our history; for by means of this new intercourse, no laws, no watchfulness, no penalties will have power enough to prevent the revival of every sort of contraband trade. I shall mention only a single article or two, to shew the facility which these new resolutions will give to the exercise of smuggling. At present, so anxious are we to guard against the illicit importation of French gloves, that we have had recourse to a prevention of unexampled severity. Besides the penalty, which is uncommonly high, the person in whose custody suspected gloves are found, is obliged to prove that they were made in this country. The *onus probandi* lies upon the person accused, an instance of severity unknown to the general penal provision of our statutes. When this communication with Ireland is opened, what will be the consequence? The person has only to say that they are Irish. It will be in vain that you call upon him to prove that they are manufactured there—and thus you will have articles of every kind poured in upon you. Silk stockings is another article of the same kind. Distinctions will be impracticable; and every species of light goods, of small package and easy transfer, will flow in upon us, to the ruin of our manufactures.

I shall conclude, Sir, with supplicating the committee to take time to deliberate, and to inquire fully before they decide on this measure, which must make an entire revolution in the whole system of British commerce. We have seen the benefits of delay. Let us be wise from experience. It is impossible that Ireland can object to our desiring a sober deliberation on a subject so infinitely important. It is said, that Ireland is out of temper, and that she has been irritated almost beyond her bearing. Ministers are answerable for this irritation, if such irritation exists. The violences which they committed in Ireland deserve the most marked and general reprobation. Their attacks on the liberty of the press; their endeavours to prevent the legal and quiet meetings of counties to deliberate on the best peaceable means of amending their deficient representation; their proceeding against men by summary attachment: all were violences which, perhaps, may have inflamed Ireland, and now ministers are desirous of avoiding the consequences of imprudent insult by imprudent concession. But let us be cautious how we assist them in a design which may eventually turn out as insidious to that country as it would be ruinous to this; a design which may, perhaps, involve in it another commutation, and that a more

pernicious one, even than that well-known and universally-execrated measure which now bears that name—a commutation of English commerce for Irish slavery.

Let us remember, that all the manufacturing communities of Great Britain are avowedly against the system. So general an union never took place as on this occasion. So large a number of petitions never were presented from the manufacturers on any former occasion; and what is still more remarkable, there is but one solitary instance of any manufacturing body having expressed a syllable in its favour. The voice of the whole country is, therefore, against the resolutions. It is within the memory of all men, that sometime ago the right honourable gentleman was an advocate for the voice of the people—"What," said he, when a number of petitions were presented against the India bill which I had the honour to move, "will you persist in this bill against the voice of the people? Will you not hearken to the petitions upon your table?" It was ever my opinion, Sir, that petitions should be heard, and most seriously attended to; but it was not my opinion, that they should always be implicitly complied with. A distinction should be made between petitions, as temporary circumstances, or the casualties under which they are presented, shall suggest; and I should certainly be at all times more inclined to pay respect to them, when they applied to subjects of which the petitioners could, from their habits or otherwise, be considered as competent judges—much more so, beyond all question, than when they spoke merely from vague representations, and on topics with which they had no means of being conversant. The right honourable gentleman is of a contrary opinion. It is only when they come against the India bill that he thinks them worthy of notice. When hundreds of thousands come to our bar, deprecating the countenance of a system, which, from their own knowledge, they pronounce to be ruinous to the manufactures of England, he treats them with something that merits a severer term than disdain. Mr. Wedgwood, Mr. Richardson, Mr. Walker, and the other great manufacturers, and who, from opulence and every other consideration, are worthy to be ranked with the best men in this House, have received from the right honourable gentleman every species of ill treatment and indignity that the lower or most degraded characters could receive, or the most contemptuous and violent could bestow. Their intelligence on their respective manufactures ought to give weight to their petitions as well as to their evidence, and to ensure them, not only a decent hearing, but a most attentive regard. The right honourable gentleman, however, considers the voice of the people only as sacred and commanding where it is ex-

erted against things upon which the petitioners are not competent to decide. For instance; if when these gentlemen — who, I dare say, during the rage of opposition to the India bill, also signed petitions against it — were at the bar, they had been asked if they objected to that bill, and they had answered in the affirmative, would their testimony in the one case have been deserving of the same notice as on the interests of their particular manufactures? Surely not. In the one case they spoke from what they heard, or from what they conjectured; in the other, from what they knew. Can the committee think that they know more of the Manchester manufacture, than Mr. Richardson and Mr. Walker? — of the iron manufacture, than the gentlemen that we have heard this day?— and of every other manufacture, than the persons who have spent their lives in the study, and embarked their fortunes in the progress? If we do know better, let us in the name of heaven discharge our consciences, and speak as we think, against those manufacturers; but at any rate let us deliberate, let us take time to think before we act. Our decision will not be less efficacious for being the result of inquiry; nor is it possible that any evil can arise from a delay which affords some interval for decent discussion.

Before I sit down, Mr. Gilbert, it may not be amiss to suggest to gentlemen, that the present is a subject from which, above all others, private partialities or personal attachments ought to be totally excluded. This is not a question of personal struggle between man and man, a contest for power, nor the mere war of individual ambition. It is a question of life and death for the country — not for the official existence of this or that minister, but for the political existence of Great Britain herself. In the consideration of such a question, therefore, let gentlemen strip themselves at once of prejudices and predilections — let them guard their minds equally against an undue bias of every denomination, whether of political sympathy with the minister, or of attachment to opposition — whether of individual respect for gentlemen on that side of the House, or on this — let them recollect that the minister has, by his conduct this day, demonstrated to the House, that implicit confidence in him is as dangerous as it is absurd; that infallibility is no more the prerogative of the right honourable gentleman than of the rest of the world. He has introduced sixteen new propositions, the general object of which is to correct and to qualify his original system, and the particular aim of some of which is to change the very essence or vital nature of his previous plan. Let us suppose, then, that this principle of implicit confidence had prevailed in the minds of gentlemen, when this system was originally proposed to the House,

if they had acceded to the propositions, in the shape and formation in which they were at first presented — and that it was for a long time the minister's intention to obtrude them upon this House with all their original infirmities upon their head, is well known to us and to the world — what would have followed? Why, evidently this — that this confidence so reposed, would have led gentlemen to do that, which in the opinion of the minister himself would have been wrong. Let this example, therefore, of the demonstrated and acknowledged peril which results from blind predilection and the total resignation of personal judgment, warn gentlemen how they fall into the same error a second time. The minister himself tells them this day, that they would have been in the grossest and most pernicious error in which the legislators of a great country were ever involved, if they had trusted entirely to him on a former occasion. I will take upon me to tell them that their error will not be less gross, nor less pernicious, if they trust him too implicitly on this.

I shall only add, Sir, that he who can understand so complicated and so extensive a subject upon so slight and transient a view of it, possesses an intellect not common to the general body of mankind, and which certainly cannot be the general characteristic of this House. For one, I can truly say, he must possess an understanding of infinitely more quickness and acumen than any to which I pretend. He that votes for the propositions without understanding them, is guilty of such a desertion of his duty and his patriotism as no subsequent penitence can possibly atone for — he sacrifices the commerce of Great Britain at the shrine of private partiality, and sells his country for the whistling of a name. The minister who exacts, and the member who submits to so disgraceful an obedience, are equally criminal. The man who, holding the first seat in his majesty's council, can stoop to so disgraceful and fallacious a canvas, as to rest his ministerial existence on the decision of a great national question like this, must be wholly lost to all sense of dignity, of character, or manly patriotism; and he who acquiesces in it from any other inducement but that of cautious and sincere conviction, surrenders every claim to the rank and estimation of an honest and independent member of parliament, and sinks into the meanness and degradation of a mere ministerial instrument, unworthy the situation of a senator, and disgraceful to the name of an Englishman.

After a debate which lasted till five o'clock in the morning, the committee divided on the question of adjournment moved by Lord North: Yeas 155: Noes 281. The first resolution was then agreed to.

May 19.

The House having resolved itself into a committee to take into further consideration the Irish propositions, Mr. Pitt moved the third resolution: viz. "That towards carrying into full effect so desirable a settlement, it is fit and proper that all articles, not the growth or manufacture of Great Britain or Ireland, should be imported into each kingdom from the other reciprocally, under the same regulations, and at the same duties, if subject to duties, to which they are liable when imported directly from the place of their growth, product, or manufacture; and that all duties originally paid on importation into either country respectively, except on arrack and foreign brandy, and on rum, and all sorts of strong waters, not imported from the British colonies in the West Indies or America, shall be fully drawn back on exportation to the other." The resolution was strongly opposed by Lord North, Mr. Burke, and Mr. Pelham; and supported by Mr. W. Grenville, Mr. Pitt, Mr. Wilberforce, and Mr. Dundas. Mr. Sheridan observed, that as several fresh petitions had come in, and gentlemen not sufficiently acquainted with the subject would wish for more time, he would move, that the chairman report progress, and ask leave to sit again. —When the question was going to be put,

Mr. Fox said, that after having expressed his sentiments on the propositions so fully on a former day, and after hearing his noble friend (Lord North) discuss them so ably that night, he should not have troubled the committee again, if some observations had not fallen, in the course of the debate, from gentlemen on the other side of the House, directed so personally to himself, that not to take some notice of them would be pleading guilty to the charge. It was not without some astonishment that he heard the propositions defended on the score of their popularity, and that astonishment was increased when he reflected on the quarter from whence that defence came. The honourable gentleman, who was representative for the county of York, and who could not be unacquainted with the sentiments of his constituents on the present measure, as they instructed him to vote against it, had expressed the disapprobation of his numerous and respectable constituents in the same breath that he asserted the popularity of the measure. That circumstance alone should have instructed him better, if he was not to be informed by the petitions which crowded the table, containing the signature of some hundred thousands. There was a time when the opinions of the people were apparently collected from a less numerous and less voluminous body of evidence. There was a time when collected opinions were opposed to measures: and when those opinions were considered decisive on a question to which the epithet of

rash was this day added, while the more lenient, and agreeable epithets of courageous and bold were applied to the subject now under consideration. But without taking to himself the credit of much sagacity, he could not be supposed totally ignorant of the danger to which he exposed himself in proposing his system for the government of India. Yet, unpopular as that bill was, and much as it was decried, he was ready at all times to defend himself on it; and the experience of another system, which was more successful, gave him no reason to change his opinion. He gave gentlemen credit for the dexterity with which they contrived to introduce this bill, and blend it with every other subject: he was also prepared to hear the American war adverted to, however foreign to the subject. But among the many advantages of youth, it was no inconsiderable one, that in affairs of which they knew little but by report, in transactions in which they never bore any part, young gentlemen, after taking their seats in parliament, were at liberty to choose whatever side should then be most popular, in a question that had been long before disposed of. To hear such persons talk, who would not suppose that they partook in the toil of resisting those measures in their progress? Who could hear the declamation of the honourable gentleman (Mr. Wilberforce) but must be of opinion, that to him belonged the merit of concluding the American war? But these were auxiliaries which the gentlemen on the other side never failed to call in to supply the absence of reason and of argument. An honourable gentleman (Mr. W. Grenville) in a speech of considerable length, replete with invective and declamation, had used no other arguments except what had been before urged by the right honourable mover of the propositions: nor had he replied to any argument against them, but what consisted in misrepresentation; and indeed, for the best of reasons, because the arguments used in opposition to them were perfectly unanswerable. In the present arrangement, wherever there was advantage, it lay on the side of Ireland; but to this country every provision was adverse. It was curious reasoning to account for the clause by which Irish linens, which was their staple commodity, should continue to be imported, duty free, into England, by saying that the same exemption from duty shall be there extended to British linens. It would be as reasonable in France, should she treat with them on similar terms, to say, you shall suffer our wines to be imported duty free into Great Britain, and we in return will admit your wines duty free into France, whenever you may have any. There were but two ways by which this country and Ireland could meet on equal terms; either to take off all duties, and admit every

indiscriminate article from either country, or to lay general duties, *ad valorem*, on every commodity. The sixteenth proposition, if worded with a view to promote cavil and increase ambiguity, could not be more successful; nor could any words be used more likely to be productive of dispute than the words "effectual preference." And the alteration of the fifth proposition to the twelfth was liable to the same remarks. The idea of countervailing duties, carried an absurdity on the very face of it; for as it was not only necessary to equalize the duty of the internal excise, but to bring it to a fair balance, it would also be necessary to consider all the attendant and incidental expences to which the British manufacturers were unavoidably exposed. There were some taxes in this country which it would be impossible to countervail, as the house, the servant, and commutation tax, &c. The commercial complaint of Ireland he always considered ill founded, though he thought otherwise of their political ones; but whatever ground of complaint they might have, this certainly was not the measure which could in any degree satisfy them. They wanted not this participation; they looked for protecting duties; and were the advantages tenfold, he would not pay the price demanded for them, except he lost sight of that spirit of liberty with which that country was of late years particularly inspired. He was sorry to hear an honourable gentleman insinuate that a rupture might be the consequence of refusing this system to Ireland. He confessed, that though the powers of that country were much inferior to this, if unemployed elsewhere, he could not without horror reflect for a moment on the possibility of such an event, and there was scarcely any thing he would not surrender to prevent it. In his own person he entertained the most unbounded national partiality for Ireland; he had the most particular attachments there, and there was an excellency in their character which must always endear people of that country to such as had these attachments; yet he was so much of an Englishman, that he could not part with those resources and advantages, on which our national existence depended.—He then took a view of the general question, and mentioned the circumstance of an union as extremely desirable, but what could scarcely be obtained, and was thrown at a greater distance than ever by the provisions of this arrangement. Adverting to Mr. Wilberforce's remarks on personal confidence, he said, the honourable gentleman having professed himself to be influenced only by his judgment in this day's vote, deserved to be commended, and the more so as he exercised that judgment in opposition to the opinions and instructions of his constituents. But other members of par-

liament did not hesitate to express that they were unacquainted with the merits of the question, but were ready to vote for them, reposing in the confidence and attachment they bore to his majesty's minister; and in doing this, they made that sacrifice, which was the last a member of parliament should yield; they not only surrendered their own opinions into the hands of the minister, but at the same time they surrendered the opinions of their constituents. If a member could form no opinion of his own, he ought rather to adopt the opinions of those constituents who sent him into parliament, and whose interests he was engaged to consult, than yield himself to the direction of any individual. In complimenting the minister, it was judicious to adopt invectives against others. His popularity, if he possessed any, had a greater foundation in the conduct of others, than in any action of his own; for no measures of his own had any merit to recommend him to popularity; even his most zealous advocates were obliged to abandon him in one of the principal transactions of the session; but the misconception of the conduct of others was the base on which his merit was erected, it was his "Gay hope by fancy led." There were now petitions before the committee which ought certainly to be attended to before they decided on the question. It had appeared in evidence at the bar, that false and deluding expectations were held out to the manufacturers; and though it was attempted to be controverted in the absence of one of the parties concerned, he was now in London, and ready to corroborate what was stated before. Disapproving so much as he did of the present system, he was determined to give it all the opposition in his power; for which reason he intended to try the force of amendments with which he was prepared, and which, if adopted, would at least qualify the resolutions, and render them less dangerous.

The committee divided on the motion of adjournment: Yeas 90: Noes 195.

May 23.

The House being again in the committee on the Irish propositions, Mr. Pitt moved the fourth resolution; viz. "That it is highly important to the general interest of the British empire, that the laws for regulating trade and navigation, should be the same in Great Britain and Ireland; and therefore, that it is essential towards carrying into effect the present settlement, that all laws which have been made, or shall be made in Great Britain, for securing exclusive privileges to the ships and mariners of Great Britain,

Ireland, and the British colonies and plantations, and for regulating and restraining the trade of the British colonies and plantations, shall be in force in Ireland (by acts to be passed in the parliament of that kingdom) in the same manner as in Great Britain; and that proper measures should from time to time be taken, for effectually carrying the same into execution." Mr. Sheridan asked if the words "by acts to be passed in the parliament of Ireland," had really been moved on Friday morning last; for he did not recollect to have heard them till the moment the chairman had read them. Mr. Taylor replied, that the words alluded to were most certainly part of the motion put into his hand on Friday morning by the chancellor of the exchequer. Mr. Pitt said, that the alteration observed by the honourable gentleman had been made in consequence of a gesture he perceived on that side of the House when the proposition was read. Lord Beauchamp moved by way of amendment to leave out the words from "Ireland" to the words "and that proper measures should be taken," &c. Mr. Sheridan contended, that it was fair to argue, that the proposition was a direct attempt to legislate for Ireland, and not the less so in consequence of the amendment. It was, therefore, he said, insidious in the last degree for Mr. Orde not to have stated it to the Irish parliament, to whom the business had been opened in a very different manner. He declared, that the voting resolutions to bind Ireland down to pass such and such laws, without enabling her to go even into a committee with the bills, was crippling that right of legislation which she had claimed and we had admitted, and leaving her the mere shadow of independence, as a sovereign state, instead of the substance. He therefore contended, that it was probable in the highest degree that the resolution under consideration would cause great alarm, and excite much constitutional jealousy in Ireland.

Mr. Fox began by observing, that when the Irish propositions were first laid before the British House of Commons, the minister declared that the consequence must certainly be, that all the complaints of Ireland would be completely settled, not only upon fair but upon advantageous terms to Great Britain. That although a participation of our commerce would be granted to Ireland, yet, such was the deliberate wisdom with which the propositions had been framed, that although great advantages were promised to Ireland, we, in fact, should be adding very considerably to our own.

He declared, that, as a friend to Ireland, no man had it more at heart than he had to grant every advantage to that country consistently with the safety and welfare of his own: that he was perfectly of opinion, the prosperity of Ireland was the prosperity of Great Britain; and, on the other hand, he was also of opinion, that the prosperity of Great Britain undoubtedly must be the prosperity of Ireland. To promote the welfare of Ireland, and to see that perfect cordiality and

mutual confidence firmly established, which were so essential to the prosperity and happiness of both countries, no man could entertain a sincerer wish, or should exert himself with greater zeal than he was ready to do, in order to accomplish a purpose so necessary for the good of both countries.

He should ever consider it to be his duty, as a member of the British parliament, not only to view the propositions as they might affect the interests of his own country, but also to see in what way they would operate in Ireland; for he considered, that if they should tend to injure the interests of either country, the purpose for which they were intended must be equally and certainly defeated.

That some measures were absolutely necessary to establish content and mutual friendship between Great Britain and Ireland no man could doubt: but how little the propositions that had been laid before parliament were adapted to produce such a happy consequence, every day's examination had more and more confirmed. That this was the fact with regard to the propositions in general, no one could doubt who had given them the least attention; but if there was one proposition more pregnant with objections, and against which both countries had greater reason to complain, it was certainly this fourth proposition now under the consideration of the committee. This very proposition would certainly be found to contain matter so injurious to both countries, that instead of producing any thing like salutary consequences, it must, of itself, prove the cause of endless jealousies, ill blood, and animosities between the two countries.

Mr. Fox then adverted to the insidious conduct of ministry, and to what had fallen from his honourable friend behind him (Mr. Sheridan) respecting this very proposition not having been laid before the Irish parliament with the rest. Mr. Fox was certainly of opinion, that no power of language could do away the charge of insidiousness made by his honourable friend, when the direct attack against the legislative independence of Ireland came to be justly viewed. He called to the recollection of the committee, that when the original propositions were laid before the House, the right honourable the chancellor of the exchequer peremptorily declared that they must pass then — that they could not be altered — but that such as they were they must stand or fall together. When the minister made this declaration, it must also be fresh in the memory of every gentleman present, with what indecent hurry it had been attempted to carry those propositions through the House; as well as with what extreme difficulty he had been able to prevent the minister from succeeding in that attempt. Had the minister been successful in carrying the ori-

ginal propositions, it was now very well known that some of the essential interests of this country must have been sacrificed; among which the East India company's charter certainly could not be ranked as the least. These facts plainly proved, how necessary it was to take sufficient time, to weigh well the different effects the propositions were likely to produce: several alterations, called amendments, had already been adopted, which at first appeared to lessen the evils the proposition contained; but they certainly were not adequate to remove those solid objections that still remained against them in general, and this fourth proposition in particular; and without removing which, the worst and most unhappy consequences must necessarily follow.

Mr. Fox declared, that aware, as he undoubtedly was, of the imbecility of the councils by which the Irish propositions had been framed, and doubtful, as he must certainly be, of the wisdom or even fairness of any negotiation carried on by the present ministry, he owned, however, that his apprehensions had been principally roused by that hurry with which the minister attempted to drive the original propositions through the House of Commons, and the difficulty with which he had been able to get the opportunity that had been acquired to consider them with some attention. Added to this, he could not forget, how every species of obstruction had been adopted, to prevent information from the different manufacturers from being brought to the bar of the House; from whom information of the most valuable kind ought to have been looked for in the present business. Nor could he forget the duplicity with which some of these men had been treated by ministry: it was the characteristic of men who meant to deal fairly, to admit every information; while men of a different description did every thing in their power to prevent it. That this had been the conduct of the present ministry was sufficiently established by every part of their conduct relative to this negotiation: and yet, such was the confused texture of this business, that what with the ignorance, duplicity, and hurry, which had appeared, it was difficult to say which were most conspicuous; but taken altogether, it was highly necessary to watch, with the keenest attention, the conduct of the ministry.

By the original propositions that ministry had attempted to hasten through the House of Commons, it was now very well known that they would have given up the power of the British parliament to renew the East India company's charter. To what motive were we to impute this circumstance in the propositions? Was it to be looked upon as an effect of the minister's ignorance? Or, was it a concealed and secret sacri-

fice intended to be made of one of the principal branches of the revenue of Great Britain? If we were to attribute this sacrifice merely to that stupidity which so eminently displayed itself throughout the whole conduct of ministry, he should be glad to know, what reliance could be placed on any of their measures? Were men capable of such neglect worthy to be entrusted with the concerns of a great commercial nation? If, on the other hand, we were to imagine, that ministry were aware of giving up the power of the British parliament to renew the East India company's charter, what must the public think of their fidelity to that company, upon whose shoulders they had raised themselves to their present station? In either way the consequence must prove equally fatal to every thing like confidence in the present ministry.

But what rendered the conduct of ministry most atrocious in the propositions that had been attempted to be passed, was, that these very propositions, which ultimately went to the annihilation of the East India company, as a company, altogether, were introduced by that very man who owed his popularity to the pretence of vindicating their charter, which all the world knew had been abused! Yet, we had seen that very man, who was the pretended friend of the East India company's charter, merely because it was a charter, introducing propositions as a minister, by which the annihilation not only of the charter, but of the company itself, as a company, must have been the consequence. The public in general, and that company in particular, were now sensible or soon must be sensible, who were the real friends of the East India company.

Mr. Fox begged leave to observe, that every species of misrepresentation had been made use of, to mislead the minds of the public relative to the bill he had the honour to introduce for the better regulation of the East India company's affairs. Those misrepresentations had been but too successful at the moment; but he felt that confidence which filled the mind of every man who was conscious of having acted upon just principles for the good of the empire, that time would open the eyes of the public, and shew them who were the real friends to the true interests and prosperity of the country in general, and of that company in particular. He declared in very animated language, that no man was a firmer friend to personal liberty, or held the security of personal property more sacred than himself. That no measure of his, ever had, or ever should contain an infringement of either; and, although such an idea had been maliciously interwoven with his East India bill, yet, that such an idea was false and groundless, he boldly maintained, and defied any man to prove that there was any foundation for it. The charter by which the

East India company held the monopoly of that trade, was like all other charters; it was a charter granted upon certain conditions, to a certain number of men, for the better conducting a plan for their advantage no doubt, but not merely and entirely for their advantage, but for that of the community at large. The East India company's charter was therefore a trust, which so long as the conditions were fulfilled, and were not injurious to the public, ought not to be interrupted or molested. But, when that trust had been abused, would any friend to the present government pretend to say, that it was not the duty of parliament to interfere? Or that by a violation of the conditions on their part, they did not themselves forfeit their charter? The East India company's charter was precisely a trust, not an irrevocable grant: and the conditions upon which parliament could grant such a charter must be consistent with the good of the empire, without which parliament could not grant a monopoly to any set of men whatever, nor, consistently with its duty to the public, permit any charter to be continued the conditions of which had been violated, or which became injurious to the public good.

The abuses of the East India company's trust, it was well known, had been recognized by parliament, and in this House by a very large majority. Their misconduct had not only disgraced this country abroad, but threatened bankruptcy and ruin to their trade at home; and such had been the consequences, that parliament had not only been obliged to forego some of its claims on the company, but to administer considerable assistance to save it from destruction. To preserve that trade, which he well knew was essential to the British revenue, he had introduced his bill, and in the hour when popular prejudice was at its height, he had always stood forward with this declaration. He was ever ready to avow that bill, and he was sure that time would shew its necessity, though perhaps too late to effect those salutary consequences, so greatly wanted to give stability and prosperity to the East India company's affairs.

Mr. Fox observed, that his bill was founded on the necessity of a regulation of the East India company's charter; not to remove the property or to affect it, but to give it that permanency and support which its tendency to dissolution avowedly stood in need of. But what was the conduct of the right honourable the chancellor of the exchequer on that business? Why, although it was proved on all hands, that the charter had been abused, and that the conditions upon which it had been granted had been violated, yet he opposed the bill and defended the charter merely because it was a charter. That the right honourable gentleman was successful in exciting ground-

less apprehensions respecting his bill was well known; and now let us see upon what degree of consistency, and what degree of sincerity his friendship to the East India company was really founded. Why, the proofs of them were to be found, and would remain for ever against him in these very propositions. The first negociation he was engaged in as a minister, he had made their charter, and their existence as a company, a sacrifice—an unnecessary, unsolicited, wanton, and careless, or treacherous, sacrifice to Ireland. Mr. Fox said, that he for one, would never consent to make a surrender of the East India company's charter; and zealous as he undoubtedly was for the prosperity of Ireland, yet he never could consent to place this country in so humiliating a situation, that it should be obliged to solicit the consent of the Irish parliament for leave to grant a renewal of the East India company's charter. Upon that trade Great Britain depended for a considerable revenue, and this the minister ought to have remembered. Was it to be imagined that Ireland would have returned so immense an advantage; or, that the Irish parliament would have been justified in giving it up again, although they had obtained it unsolicited, through the ignorance, or some worse motive, of our ministry, and it should even have appeared without their intention? Undoubtedly it would have been absurd to expect any such thing. Once gone, there was an end of it for ever.

Of the propositions now before parliament, the more they were considered, the more he found them liable to serious and insuperable objections. The ministry, notwithstand- their boasted determination of carrying them in their original form, had been obliged to give it up, and thence had proved to all the world, that they could not vindicate them, and that they themselves now considered them as originally inadequate; that they had stood upon ground which they found not tenable, and therefore, to make them less exceptionable, certain additions and amendments had been adopted. But could any gentleman take upon himself to say, that the amendments were sufficient to remove the evils contained in the propositions? Certainly not: and it was his opinion, that it would be infinitely better for the peace and harmony of the two countries that no treaty at all should take place, than that the propositions now before the committee should pass. For unless such a plan was devised, as should effectually remove the grounds of uneasiness, without being materially detrimental to either country, it were better, doubtless, that no plan at all should be put into execution.

Mr. Fox then said, that the propositions were to be considered as a treaty between two independent powers for the

mutual advantage of both. It was a bargain going on between them to this purpose, "I will give you so much for so much." In the construction of all fair bargains, it was ever understood, that both parties were to be benefited; that neither was to be wronged: that neither was to be injured. But this fourth proposition possessed the most extraordinary qualities that ever marked a negociation: it promised so much to Ireland, that it threatened the existence of many of our most valuable manufactories; it also demanded a surrender from Ireland of her legislative independence. To grant Ireland advantages detrimental to the immediate support of the British empire, could never be required by Ireland; and ought not to be given by us. To grant Ireland advantages, and require a price she could not accede to without relinquishing her legislative independence, would be an insult to her understanding. Yet such was the absolute tendency of this fourth proposition, and such the consequences that must take place if it was carried.

The complaints of Ireland undoubtedly merited every attention, and might, if not removed by wise and salutary measures, prove the cause of serious consequences. But did any one imagine, that her complaints were to be relieved by advantages arising from a participation of our trade, when she, on the other hand, was to be obliged to relinquish the independence of her parliament? Would not that resumption of the legislative power of the British parliament over that of Ireland, be a means of defeating every advantage to be expected from a participation of our trade? Undoubtedly it would: and in this case, Ireland made an absolute and certain surrender of what was her chief pride, — the independence of her parliament — for a participation, the advantages of which Great Britain could always defeat by her resumed power over the parliament of Ireland.

That the uneasiness of Ireland was worthy of the greatest exertions of our abilities, and required immediate attention, must be admitted: but when the effects of this proposition should take place on the manufacturers of this country who who had applied by petition, were we to imagine that the complaints of the people of England would be less formidable, when they should find their interests sacrificed? Did any man pretend to say, that a commotion in England would be less alarming than discontent in Ireland?

The necessity of pursuing this business with the utmost circumspection, the necessity of acting upon deliberation, arose from this circumstance, that the propositions, when acceded to by Ireland, would and must be final. An honourable gentleman (Mr. Dempster) imagined it was necessary that these

propositions should be tried, because something was necessary to be done; but he was clearly in an error respecting the nature of the present negociation. The honourable gentleman considered it as differing from the treaty with Scotland which forms the union, as that treaty could not be altered; because, said he, one of the parties who framed it is no more, meaning the Scottish parliament. He imagined that the present propositions could be altered, because both the parliaments who agreed to them will still remain. In this Mr. Fox begged leave to observe, the honourable gentleman had totally misunderstood the fact. The propositions, when agreed to by the British and Irish parliament, would form a solemn treaty, which neither country could afterwards alter or infringe, without a direct violation of good faith. And in this he held the language and idea of the chancellor of the exchequer; and in this, and in this only, he agreed with him. However detrimental the propositions, therefore, might hereafter be found to either country, that country could not redress herself; for such was the nature of the treaty. Did they not therefore demand the most deliberate investigation?

The alterations that the propositions had already undergone, were standing proofs, that no dependence ought to be placed in the wisdom of those who originally offered them to parliament. After the declaration made by the minister, upon his first laying those propositions before parliament, that they must stand or fall together, his mortification could not be small, to find himself forced to submit to alterations, in order to preserve that majority from which he had received so many proofs of acquiescence to his measures. Supported as the right honourable gentleman often had boasted he was, yet he had certainly been disappointed in the present business: he had not found the present House of Commons pliant enough entirely to forget their duty to their country: he had been forced to admit amendments; but, whether with a view to benefit this or that country, or only to maintain the station he now filled, the public must be left to judge. That the minister had solemnly declared, he would admit no alteration in the original propositions, was a fact. Had he kept his word? No: but by acting as he had done, it was plain his confidence in the support of the present House of Commons began to abate. And there was little doubt, but as they receded from the minister's confidence, they would rise in the good opinion of the public. For, perhaps, a more general and better-founded alarm had never spread itself all over the kingdom than had been excited by these propositions.

The people had been very slow in their apprehensions of the present ministry. From the present parliament, undoubt-

edly, the people had a right to expect the strongest exertions, and the most unremitting care for the general good. The majority had been sent to parliament under the most popular approbation, though founded in delusion, that ever had marked a general election. Yet, of the ministry, the people had shewn by the petitions that crowded the table, that they had not now that confidence they once had, and that they were seriously alarmed for the safety of their trade and manufactures, and in a degree that no minister had ever dared to expose them to before. Little, indeed, could the people suspect, that the same man who had made himself popular by a clamorous support of a charter which had been abused, would, when in power, have attempted to hurry propositions through the House, that entirely gave up for ever the power of renewing that very charter! For no man would pretend to say, it would have been doing less, if the minister had been able to pass the original propositions. But with what astonishment must the people behold him engaged in a business, by which so many manufactories must be exposed to ruin; and which, at one blow, swept away the means of existence to thousands of the manufacturers of Great Britain! That these were facts, the petitions upon the table proved. And petitions from a more numerous or more respectable body of men (however neglected and insulted by ministers) had never been presented to this House before.

Much, though ill-founded, reliance was placed on the amendments that had been made. But were they adequate to remove the evils with which the propositions were loaded? No. Had the petitions ceased to come in since the amendments had been adopted? No. Had ministry been able to get any one set of manufacturers in the kingdom to approve of the propositions, notwithstanding the amendments? No. They had not been able to obtain one paper of approbation to lay upon that table, which groaned with the mass of petitions against the propositions? Was the conduct of the ministry sanctioned by any one set of men in the kingdom, who had appeared in the business? No. Was not every man in a state of alarm who had the least sense of the danger of the propositions? Certainly. That this fourth proposition contained in it subject of serious alarm to the manufacturers of Great Britain was fully established.

But let us see how Ireland would be affected. Would she only be benefited? Was there nothing prejudicial to her interests contained in this proposition? Undoubtedly yes: for it was made a part of it, that she must relinquish her legislative independence, and adopt again in future, laws made by the British parliament. To take a more direct view of this proposition, it would be found, that where the ministry had

not displayed their imbecility, they had been insidious; where they had not been insidious, they had been treacherous; and by one or other or all these, had they been directed in their prosecution of this very proposition now before the committee.

His honourable friend behind him, (Mr. Sheridan,) had clearly established the insidious conduct of ministers in not having laid this proposition before the Irish parliament with the others; particularly, as by it, Ireland bound herself to resign her legislative independence. If it should be pretended, that there was no insidious intention in not carrying this proposition before that parliament, it became a proof of their imbecility in not having done so; because it was deemed essential: and therefore it proved that ministry had not been capable of finishing and compleating their system to lay before Ireland. If it should be pretended that there was no meaning in the clause which bound the Irish to adopt the British acts of parliament, and that Ireland would not be bound by it, then must the whole be treachery to this country.

As a proof of the imbecility of ministers, and how distant this negociation was from the estimation due to a well-digested plan, Mr. Fox observed, that very early in that evening's debate the right honourable the chancellor of the exchequer had informed them, that one of the alterations, called amendments, in this fourth proposition, was made in consequence of some gestures he perceived on that side of the House when the proposition was read in the committee the last *time* of meeting.

Could a stronger picture be given how little administration was able to rely upon their own deliberations, than was conveyed in this declaration of the minister? That nothing permanent or beneficial to either country could be expected from the councils of those who framed the propositions, Mr. Fox said he well knew. But that such a mark should be set upon them by the minister as this, that he had adopted an alteration barely upon perceiving a gesture on that side of the House, was an acknowledgement how little they could depend on their own judgments beyond what he could have looked for.

What could the people think of the whole system, when a gesture was the avowed cause, by the minister, of an alteration in one of the Irish propositions, which was declared essential towards carrying into effect the present settlement, and formed one of the most important branches of that system which was to give content to Ireland, and mutual happiness to both kingdoms! That very system, which the same minister told them must stand or fall together, we now found, by the same minister, was become so weak in their own eyes, that a gesture was a sufficient reason to make an alteration in it. Such was the consistency and firmness of the present administration!

But, notwithstanding this gesticulated alteration, the original evil still remained. Like every other alteration made in what was in itself radically bad, every amendment, as they were called, only shewed the original deformity of the propositions in stronger and stronger colours. This fourth proposition, as it now stood, could never be agreed to. The first and second part were incompatible, and it was impossible that both countries could agree to it. In the first part Ireland was promised a participation of our trade. This must afford, at first sight, a fruitful prospect to her. But what were the terms upon which she was to attain this participation? Why, by binding herself to adopt such British acts of parliament, hereafter to be made, as Great Britain should think fit to send there. Would Ireland agree to this with her eyes open? And would the Irish not discover the surrender demanded of them on the first perusal of the proposition? Undoubtedly they would; for to suppose they would not, would be estimating them a nation of idiots. However detrimental an unlimited participation of our trade might be to our manufacturers, yet the benefit to Ireland must be remote. And Ireland, by this proposition, in surrendering her legislative independence, gave up a certain good for an uncertain benefit. If a man were to set about framing a proposition that could contain matter most objectionable to both countries, he could not frame one more completely so than this fourth proposition; seeing that the advantages held out by the first part of it are overbalanced by the demand of a surrender of the legislative power of Ireland. Hereafter Ireland would have no power to consult her own interests, but must adopt the British acts of parliament; and having once agreed to the propositions, she from that time would have no alternative, but must adopt the laws framed here, and sent to her. Was it imagined the people of Ireland would not see through this farce as a favour? Would not the mind of an Irishman revolt now at the idea of keeping up the form of a parliament, who must register those laws which should hereafter be sent to Ireland? They would have no alternative, nor could they call one of those laws into question, or debate even upon their merits: having agreed to accept these propositions, they would be bound for ever to obey this condition.

An attempt had been made by the opposite side of the House to assert, that whatever the consequences might be to Ireland, she would have no right to complain, because the propositions originated in her own parliament. With respect to the fourth proposition, this argument, mean as it certainly was, could not be applied, as it did not originate in Ireland. But as to laying any stress upon the propositions

coming from Ireland officially, it was well known and generally admitted that they sprang originally from the ministry here. Therefore there could be no advantage taken against Ireland on account of the propositions coming from her parliament.

To impose upon a people under any pretence, but particularly at the same moment you are telling them of granting them advantages which they did not possess before, could only be attempted by the worst of men, and the most profligate of ministers. Even if such a trick could be successful, would any man pretend to say that an imposition was the most likely way to heal the disquietude of the people of Ireland? Did any man pretend to say that a system built upon such principles was capable of establishing any thing like an harmonious or permanent understanding between the two countries? He must be a visionary in politics indeed, who could entertain an idea so absurd. In order to illustrate this position, Mr. Fox begged leave to suppose a case, that we were carrying on a negociation with any foreign power that was friendly towards us: and that the minister of this country had induced that power to prefer such and such proposals to our parliament. When they found that they had been trepanned into an imposition, was it to be imagined they would abide by it, merely because they had been seduced by our minister to be the proposers of it? Undoubtedly they would not; and indeed, so far from thinking themselves bound to abide by it under such circumstances, their pride and interest would feel doubly wounded, and the treachery of such a minister would operate with double force to make them reject it more firmly and with greater resentment.

As Ireland by this proposition must be obliged to adopt whatever laws Great Britain in her wisdom should see fit to make for the regulation of that trade which Ireland was to share, was it not the most obvious thing in the world, that, having that power, the British parliament would abandon the interest of this country, if, in framing her laws, they were not particularly attentive to the particular interests of Great Britain? No man could doubt it. Yet if we were even to allow that this should not happen, and that it never did happen, still, such was the natural jealousy of human nature, such the apprehension naturally raised by giving power to others, that suspicion would unavoidably rise, and the natural consequences of such suspicion must follow.

The chief aim of Ireland in all her late endeavours was to obtain an independent parliament, and she was now possessed of a legislature independent of Great Britain. Was it to be imagined that, under the idea of getting a participation of our trade, she would relinquish that power? It would,

in fact, be yielding up her independency entirely to do so; and it would be estimating them a nation of idiots, to suppose they would give up the principal characteristic of a free people, or make a certain sacrifice for a promised benefit they never might be the better for. Even if Ireland agreed to surrender her legislative independence, and bound herself to adopt in silence whatever laws Great Britain should hereafter think proper to impose, were we to expect the same obedience to those laws as if they had been framed by their own parliament? There was, Mr. Fox observed, a material difference between that kind of obedience, which arose from a mind influenced and guided by voluntary and constitutional ideas, and that which arose from the mind which aimed not beyond that which claimed no higher description than the French gave by the term *par manière d'acquit.* Tedious and ineffectual must be the obedience paid to laws framed in this country for Ireland now, when that spirit, which alone gave energy and dignity to the execution of all laws, was broken and discomfitted. This fourth proposition, therefore, is so pregnant with evils and objections, that the framer of it seemed only to have been engaged how to distress us with the difficulty of enumerating them. Thus stood the objections against this fourth proposition — objections on all sides unanswerable, solid, and irremoveable — objections that in the very face and front of them threatened worse consequences, and, in future, greater evils than any that could now exist.

Mr. Fox begged leave to state before he concluded, that it was the practice of the right honourable the chancellor of the exchequer, in answer to any remarks that he had the honour to submit to that House, to take great pains to make it be believed that he (Mr. Fox), by exposing the weakness and fallacy of the measures of administration, in effect created them. Gross and absurd as such a mode of argument certainly was, the right honourable gentleman was so constantly in the use of it, that Mr. Fox said he foresaw that on the present occasion it would form the line of his conduct. Of this it was only necessary to observe, that it would be incumbent on the right honourable gentleman to prove how the exposure of an evil could create it. Mr. Fox, with some warmth, declared, that he hoped he was too well acquainted with his duty in parliament to sit there merely to register the measures of any ministry without examining them to the best of his abilities. If the arguments he had used to shew the fallacy and insufficiency of this fourth proposition, and its direct tendency to injure both countries, were not founded upon facts, the good sense of the people of Ireland would pay

no regard to them. The manufacturers of Great Britain would be contented.

Administration had taken some pains to make the House believe that if they could carry this fourth proposition in the Irish parliament, there would be an end of the business, and an end to all apprehensions on our part, as the treaty must then be final. But let the House not deceive themselves with this idea, nor think so meanly of the Irish, that even if their parliament should make a surrender of their legislative independence, the people at large would agree to it, or remain quiet under such a sacrifice. There were recent historical facts which proved that the acquiescence of the Irish House of Commons was not conclusive. And it was necessary to make this remark now, that we might not be deceived into a belief, that by their acceding to this fourth proposition the business must be finally settled. It was not the acquiescence merely of this or that description of men that could settle upon a firm basis the terms that were equal to bind and cement the interests and prosperity of a great commercial people, if that acquiescence was given in opposition to reason and to facts.

Salus populi suprema lex was a maxim universally admitted. And such was the unfortunate construction of the fourth proposition, that nothing was more probable than that both countries would be obliged to appeal to it for relief. Incompetent as the propositions had been found to quiet the uneasinesses or secure the affections of Ireland, and pernicious as this fourth proposition was, in particular, to the honour or interests of either country, Mr. Fox appealed to the candour and good sense of the committee, whether it would not now be more fair, more manly, and more honourable to address the Irish to this purpose; — "that, however desirous and happy we should be to serve you, yet, in justice to our own country, we find we cannot grant what we offered. Without being the ruin of many here, we cannot serve an equal number of you. Without exposing our own country and its manufactures and manufacturers to ruin, or without your yielding up the independency of your parliament, we cannot grant the participation offered to you." Gloomy, disgraceful, and fatal as this address would prove to the present ministry, yet it could not be denied but that the same address was conveyed to the Irish indirectly by this very proposition.

To prosecute this measure upon terms that never could be adhered to, and, if admitted, could never prove permanent, must prove the source of endless and additional complaints from Ireland, and of trouble to Great Britain. As a generous

and liberal people, the Irish ought to be dealt with accordingly. They were capable of receiving the worst with fortitude; but it was by no means to be expected, therefore, that they would be imposed upon with patience. The prosperity of Ireland was undoubtedly to be considered as the prosperity of Great Britain, and there was no Irishman of sense but was equally sensible that the prosperity of England was the prosperity of Ireland. In our prosperity the Irish were as firmly interested as we were in theirs; and if they could not prosper without endangering that trade upon which the revenue of the empire principally depended for support, they would ultimately find it a purchase dearly bought. Yet it was by no means his opinion that the prosperity of Ireland might not be promoted without injury to the British trade: but of this he was sure, that no good could ever arise from the present measure of ministry towards carrying on the purposes so much wanted — that of a perfect and cordial understanding between the two countries.

Nothing was more plain, and nothing more true, than that the more the Irish propositions had been investigated, the greater number of objections had arisen up against them. They promised much to Ireland, but took away more than they gave. The learned gentleman over the way (Mr. Dundas) had said more to these points probably than he intended: he had avowed a caution necessary on his part, to say how little Ireland would be benefited, how much Great Britain would be a gainer. This was the ministerial language here; and it was well known they held another language in the other kingdom. This was only part of that littleness of conduct, mixed with duplicity, that distinguished all the measures of the present ministry, and particularly their conduct throughout this negociation.

This system was pregnant with the worst consequences to both countries. Without administering any certain good to Ireland, it was to be accomplished only by a surrender of her legislative independence. The participation threatened, on one hand, ruin to many of our most valuable manufactories, and demanded a surrender from Ireland, ever too dear for her to pay, for any advantages of trade so remote and uncertain as it might prove. A system loaded with such objections, and pregnant with such mischiefs to both countries, Mr. Fox declared he could not vote for. Monstrous as the sacrifices were that had been attempted by ministry to be made to Ireland (in particular that of the power of renewing the East India company's charter); destructive as this fourth proposition must prove to thousands of manufacturers in this kingdom; yet nothing was more obvious than this fact, that

Ireland would reap no advantage whatever, as the resumption of the British parliament over that of Ireland took a power that did away every idea of benefit to be expected from the participation of our trade.

Numerous as the objections against this proposition really were, Mr. Fox declared he did not take upon him to say that all the objections contained in them were yet found out; for as more of them were discovered, the more they seemed to multiply, and grow daily stronger by their numbers. It was not, therefore, to be wondered that ministry did every thing in their power to hurry them through parliament; but let them beware of the consequences.

Impregnated as the propositions were with the most alarming mischiefs to both countries, and foreign as they were to effect any one good purpose to either, it was his duty to oppose them; for, instead of producing benefits, they would certainly prove the source of the most unhappy consequences both to Great Britain and to Ireland.

The question being put on the amendment proposed by Lord Beauchamp, the committee divided: Yeas 36: Noes 194. The resolution was then agreed to.

May 30.

The report of the committee of the whole House on the Irish Propositions was this day taken into consideration. Mr. Sheridan opposed the fourth resolution in a most able speech. Mr. Pitt said, that it had been his intention to have remained silent, not expecting any thing new to occur on a subject which, for a long series of time, had undergone such frequent and patient debate. However, though nothing had been brought forward in the course of the present argument, except what tended to inforce objections that had already been made and answered; yet the channel through which the present opposition came, and the mode in which it had been handled, was such, as strongly demanded some farther notice from him. When he considered the language that had been held, and the quarter it came from, when he reflected on the designs of those who had presented themselves in so conspicuous a manner as the enemies of the resolution then before the House, and saw with how much artifice and zeal those designs were supported, and when he weighed the motives, as well of those who had been silent as of those who had spoken to the question, he could not remain an idle spectator in a transaction that so essentially concerned the interest of the two kingdoms, which composed the remaining part of the British empire. If a chain of recent events, and the whole tenor of the conduct that had been adopted by persons of a certain description had not exhausted and anticipated his surprise at any

thing that could come from them, he could scarcely believe his senses, when he beheld a gentleman (Mr. Sheridan), who for many weeks had concealed his intentions so effectually as to leave it a doubt whether he was friendly or hostile to the arrangement now depending, stand forth the avowed enemy of a part of the system which was necessarily connected with the whole, and take up a ground of opposition the most dangerous and inflammatory that could possibly suggest itself. But it was not to be wondered at that the conduct of the honourable gentleman should be so inconsistent, when it was remembered, how inconsistent all the measures of the party of which he was the mouth, were in themselves, and how inconsistent the persons who composed that party were with one another. Still the pursuits of that party, however various and however contradictory, had one uniform tendency. Whether they reprobated on this day, what they had approved on the preceding, or whether they abandoned a principle which they had before admitted; whether one individual differed from or coincided with the rest of his associates, still the effect of all their efforts, of all their perseverance, and of all their tergiversation was to be the same — to embarrass and confound the measures of administration, to embroil and disunite the affections of their fellow-subjects, to excite groundless alarms, and on those groundless alarms to foment the most dangerous discontents. The noble lord in the blue ribbon, in assenting to the resolution, and the honourable gentleman in opposing it, had taken care to support their several opinions by the same argument, and that argument was, of all others, best calculated to promote the ultimate design of both, however different the modes they took to accomplish it — the jealousy and resentment of the sister kingdom. The resumption of legislative supremacy over Ireland was the ground of acquiescence in the one, of dissent in the other; and thus they divided between them the two features of the character which their right honourable friend, Mr. Fox, had shewn himself so ambitious to assume, that of an English and an Irish patriot. How gentlemen could think themselves warranted in setting up an opposition to measures, in favour of which they had borne more than a silent testimony, (for they had expressly acknowledged the several amendments to be such, as not only were in themselves unexceptionable, but had also the positive merit of correcting, in a great degree, the objectionable qualities of the original propositions,) was a circumstance only to be accounted for by those who, from a close attention to the conduct of the party, and a congeniality of sentiment with them, had brought themselves to understand and to adopt the whole of their system, and were thence enabled to see that it was a double game that they were playing, and that their appearing to oppose the resolutions by arguments directly contrary to each other, was merely with a view to secure the same end, and to compass the same design.

Mr. Fox began with remarking, that, in the personal and political character of the right honourable the chancellor of the exchequer, there were many qualities and habits that had

often surprised him, and, he believed, had confounded the speculations of every man who had ever much considered or analyzed his disposition; but that his conduct on that night had reduced all that was unaccountable, incoherent, and contradictory in his character in times past, to a mere nothing. That he shone out in a new light, surpassing even himself, and leaving his hearers wrapt in amazement, uncertain whether most to wonder at the extraordinary speech they had just heard, or the frontless confidence with which that speech had been delivered. Such a farrago of idle and arrogant declamation, uttered in any other place, and by any other person, upon the subject in question, would naturally fill the members of that House with astonishment; but, spoken by that right honourable gentleman within those walls, in the presence of men who were witnesses of all the proceedings upon this business, every one of whom could bear testimony to the gross and unblushing fallacy of the right honourable gentleman—it was, Mr. Fox said, an act of boldness, a species of parliamentary hardihood, certainly not to be accounted for upon any known or received rules of common sense or common reason.

I cannot (continued Mr. Fox) help remarking the vast disparity in the tone, the temper, and the style of expression exhibited by the right honourable gentleman upon this night, from those which he deemed it expedient to adopt when he opened the eighteen propositions to this House. On that night I quoted a passage,

> Telephus et Peleus, cum pauper exul et uterque,
> Projicit ampullas, et sesquipedalia verba;

and quoted it to exemplify the change occasioned by the deplorable situation into which his rashness, his ignorance, or what is not more reputable than either, his servile adoption of other men's fancies, and thrusting forward the crude heap of discordant and dangerous materials which form this miserable project, had involved the right honourable gentleman. Upon that occasion, I could not help observing, that the *ampullæ* and the *sesquipedalia verba* — that the right honourable gentleman's magnificent terms, his verbose periods, and those big, bombastic sentiments which constitute, in general, the principal part of his orations, had for once forsaken him, or been relinquished, for language and for manners better accommodated to his disastrous condition. Then we saw the avowed confederacy of the right honourable gentleman with those about him, whose co-operation in the general system of his government he is commonly so anxious to disavow, but whose opinions he so uniformly propagates and asserts — then we

saw that preposterous ambition, that gaudy pride, and vaulting vanity, which glare upon the observer beyond all the other characteristic features of the right honourable gentleman, and which prompt him to look down with contempt on his political coadjutors — to fancy himself the great overseer, the surveyor-general of the British government — we saw this glittering assemblage melt away, and that right honourable gentleman descend to a curious and most affecting sympathy with the other supporters of this system, as well as into something like a modest and civil demeanor towards those who oppose it. But, alas! the right honourable gentleman's deviation into a moderate and humble course of argument,—into a course befitting a man detected in ten thousand instances of folly, precipitancy, rashness, weakness, and consummate ignorance of the subject in discussion, was but transient and temporary. The hopes of a reform in his conduct were as fallacious, even as the many hopes of other reforms which that right honourable gentleman has gulled a variety of persons in this country to entertain upon points of more importance. Upon this night, the right honourable gentleman has relapsed into his own favourite and darling habits — the *amyllæ* and *sesquipedalia verba* are again resumed, with additional redundancy. Nerved with new rancour, and impelled with fresh vehemence, the right honourable gentleman rushes blindly forward; but surely it cannot escape observation, that the display of these passions, and the resumption of that mode of reasoning, are the best proofs that the right honourable gentleman is, indeed, reduced to the last extremity; and, by the use of such arguments, that he shews himself destitute of any that better become a real statesman, or a great orator.

Beaten out of every thing that bears the resemblance of argument, without the least shred or remnant of reasoning to support him, the right honourable gentleman is forced upon the rash and dangerous hazard of carrying the war into the enemy's camp; and finding it impossible to say one word in vindication of his own deformed and miserable system, he is obliged to throw out a series of invectives, and, by exhibiting a list of charges against us — charges which, the very moment he gave them utterance, he knew to be absolutely and entirely destitute of every vestige of truth — to engage the attention, and divert the notice of the House from his own wretched and contemptible schemes. The admirable argument of my honourable friend (Mr. Sheridan) is answered with hard epithets, with strong assertions, with lofty phrases, with long and laboured calumnies, and with the usual round of redundant and disgusting egotisms. In proportion to the

poverty of the cause he engages in, is the pompous assumption of the right honourable gentleman; and of all the various singularities which compose his character, nothing, I confess, amazes me so much as the perfect composure with which he attempts to criminate his adversaries, upon points in which he is himself, of all men living, the most vulnerable; and the steadiness and resolution with which he puts forth accusations, in desperate defiance of truth, and with as determined a contempt of prudence and propriety in the manner of urging them.

Before I touch upon the charges to which I allude, I cannot help observing, with what special grace the right honourable gentleman ridicules long speeches — with what a singular propriety he, of all the members in this House, attempts to correct others for occupying much of the time of the House. I do not intend to deny the right honourable gentleman the merit of great abilities, great eloquence, and great powers of pleasing his hearers; but of all the crimes to be urged against any person within these walls, the last, undoubtedly, for the right honourable gentleman to venture upon is, to charge the long duration of his speech as a fault against any member. The right honourable gentleman, like myself, is under the necessity of troubling this House much oftener, and for a much longer time, than is, perhaps, agreeable; and it ill becomes either of us to reprobate others for a practice we ourselves so frequently fall into. Grateful for the indulgence we are favoured with, we should certainly be the last to condemn that in which we ourselves are the greatest transgressors. And I shall drop this part of the subject, with only remarking, that if an almost uniform deviation from the immediate subject in discussion, — if abandoning liberal argument for illiberal declamation, — if frequently quitting sound sense for indecent sarcasms, and preferring to rouse the passions and inflame the prejudices of his auditory to the convincing their understandings and informing their judgments, tended to diminish the title of any member of this House to a more than common portion of its temper and endurance — I do not know one gentleman who would have so ill-founded a claim upon it for such favours, as the right honourable gentleman himself.

The right honourable gentleman has struggled much to fix a charge of inconsistency upon my noble friend, and upon my honourable friend near me; and such is the fatality of an inordinate appetite for accusation, that the only point by which he has chosen to illustrate this inconsistency, is a point that proves as clear as day-light, that both the one and the other is perfectly and thoroughly consistent. The noble lord supports the fourth pro-

position, because he thinks it makes laws no more for Ireland than is, in this instance, just. The honourable gentleman reprobates it, because he thinks it an insidious, deceitful, and treacherous manœuvre, to cheat the Irish out of their independence, and dupe them into servility, by prospects of advantages of another kind. The noble lord and the honourable gentleman have taken the same side, argued upon the same principle, and acted under the same impression, upon the same subject, from the first moment the right honourable gentleman introduced it to this House; their language has been unvarying, and their conduct in strict unison with their respective declarations. The noble lord has shewn the danger to the trade of England from the adoption of these propositions, and has, in my judgment, unanswerably proved, that the promised compensation is fallacious in the extreme; in both these positions my honourable friend concurs; nay, he goes farther, and demonstrates, that although he might wish well to the propositions as generally favourable to the trade of Ireland in their original state, the right honourable gentleman's alterations have so radically changed their nature, that Ireland will be the positive loser in these three great branches, viz. the American, West Indian, and East Indian trade; so that the only chance she has of benefit, or of indemnifying herself for the injury she receives by the change of her present system of trade in these great lines of commerce, consists solely in the hopes of underselling England in the English markets. He therefore considers the arrangement upon the whole as prejudicial to Ireland (independent of the attempt at resuming the power of legislation under the fourth proposition)—because it is not by the downfal of England that he wishes Ireland to prosper. Thus, all my noble friend's argument tended to shew the danger to the manufactures and trade of England from the proposed system: my honourable friend admits, that Ireland's only source of benefit is confined to England, for that, in the arrangement of the foreign trade, every thing is against her; and in this point, so triumphantly dwelt upon by the right honourable gentleman as the criterion of their contradiction, nothing, in fact, appears but the most precise consistency on their part. This detection of his mistake may perhaps—but I believe nothing can—teach the right honourable gentlemen to consider a charge before he makes it, and not to waste so much phlegm, nor expend so many fine periods, upon subjects which will only shew his own rashness, weakness, and, I had almost said, absurdity.

But the right honourable gentleman seems determined, at all risks, to fill up the catalogue of accusations, and in the hey-day of his spleen, in the plenitude of his indignation, to

contemn every consequence to himself, provided he succeeds in giving us a side blow. What is the world to think of that right honourable gentleman's discretion and judgment from this night, who, upon the subject of the Irish propositions, ventures neither more nor less, than to charge us with shifting our ground, and playing a double game? Is there a gentleman present, who would have believed that the right honourable gentleman could have been so unguarded, so senseless, so mad, as to stumble on such a charge? For him to talk of our shifting our ground! He, who has shifted his ground, until, in truth, he has no ground to stand upon! He, who has assumed so many shapes, colours, and characters, in the progress of this extraordinary undertaking! He, who has proclaimed determinations only to recede from them; who has asserted principles only to renounce them! He, whose whole conduct, from the first moment the system has been proposed, has been one continued chain of tricks, quibbles, subterfuges, and tergiversations; uniform alone in contradictions and inconsistencies! Compare the twenty propositions now upon your table, with the eleven original ones, as the right honourable gentleman introduced them to this House; compare his language on that day with the language of this night; compare the nature of the two strings of propositions, substantially and fundamentally subverted in many parts, in all materially altered, with those reiterated declarations, that not one principle could on any terms be meddled with: let the House reflect upon these circumstances, and then let them judge, whether a grosser piece of insanity was ever heard of than that the author of all this miserable foolery should charge others with shifting their ground!

Who proposed the scheme to Ireland as a digested system, final and complete; pledging the faith of government that the eleven propositions contained the whole, and that not one of them should be altered? The right honourable gentleman. Who swelled these eleven propositions to eighteen — in a variety of fundamental points radically altered and overturned? The right honourable gentleman. Who assured the body of British traders and manufacturers, that their respective branches should be faithfully secured from every evil; who denied this assurance afterwards; who solemnly declared, in the face of the House of Commons, that all the principles of the original eleven propositions should remain inviolate; who was it afterwards that openly violated this solemn declaration? Let the right honourable gentleman answer these questions if he can, and let the world decide which side of the House has been playing a double game.

But, Sir, it is not in retorting these silly charges that we rest our defence. From the beginning we have been uniform

and consistent; and if any new objections have been urged by us, they are attributable to the novelty of the propositions which the right honourable gentleman has produced without any previous notice to this House. It were, indeed, a hardship and injustice, if because we combated the defects of a new scheme, we were liable to the charge of shifting our ground against an old scheme, no longer the object of discussion. And here I cannot help observing, that if it be true, that ingratitude is the worst of sins, I can see no light in which the right honourable gentleman appears, but that of the worst of sinners. What a pernicious scheme would this have been, unpurged by our amendments! and what a return does he make us! But there are proud and sullen souls enveloped in fastidious admiration of themselves, and haughty contempt for the rest of the world, upon whom obligation has only the effect of enmity, and whose hatred is best secured by redeeming them from danger and dishonour.

There remains one charge to be noticed, which is more singular, if possible, than the former, because it is more palpably groundless. The right honourable gentleman affirms, that now, for the first time, an objection is made to the fourth proposition; and he infers from my silence this night that I have no arguments to oppose to it. How any man, with the smallest faculty of recollection, with the slightest feeling of shame, can hazard such an assertion, is, I confess, to me perfectly unaccountable! I do not believe there is one man, not merely in this House, but in this country, who reads a newspaper, that can be ignorant, that I have uniformly reprobated this fourth proposition from the first moment of its introduction—that we divided the committee upon this very clause of the system—and that our minority was a very small one. The very arguments I shall now urge against it, will demonstrate the falsehood of the accusation, for they will only be a repetition of what I have said before; and, when the House recollect that I am charged with having never before objected to this proposition, they will, I trust, excuse the tautology.

Here Mr. Fox went over the ground of his objections to this part of the system. He said, he had no doubt the fair construction of the fourth resolution would appear to any man of common sense, to be virtually to make laws for Ireland, and would be to renovate rashly and wantonly the jealousies of the whole Irish nation, upon a point of the most peculiar tenderness and delicacy. In vain were attempts made to assimilate this surrender of the legislative independence of Ireland, with the case of treaties between two sovereign states. In the latter case, one state bound itself to

do something defined and specific when the other adopted some defined and specific measure. Here was no condition of servitude and obedience, but a mutual agreement to accomplish something understood and particularised by common consent, for their common advantage, upon a certain contingency. To make the cases similar, an instance should be produced (which instance, Mr. Fox affirmed, could not be found in the history of mankind) where one independent state bound itself solemnly to do any thing undefined, unspecific, and uncertain, at the arbitrary demand of another state. Precisely such a demand would be made upon Ireland; and if this proposition was adopted, no man would be simple enough to deny, that England would make laws for Ireland; for what would be the passing of a bill under the operation of this member of the proposed system through the parliament of Ireland but a legislative mockery? For not a single change could be made in it afterwards, and fair discussion and free agency would, from that moment, be utterly extinguished.

Thus incontestably stood the matter in point of reasoning and in point of fact. He could conceive many possible cases, where the concurrence of the Irish parliament might be required to arrangements absolutely destructive of the interests of Ireland: suppose an English act of parliament restrained the trade to the colonies to particular articles in which England flourished, and which Ireland dealt in little or nothing: suppose an English act of parliament prohibited all foreign trade in ships of a certain description, and in which description alone Ireland now carried on her trade. Many other cases would occur to gentlemen, if they would take the trouble of reflecting upon the possible operations of the fourth proposition. This system once adopted, Ireland, without breach of faith, could not refuse to register the English law into her statute book; and numerous instances might occur hereafter, where the parliament of that kingdom must rest upon this desperate alternative, either to violate the faith of the nation, or to betray and sacrifice its dearest interests. This consideration, Mr. Fox said, even independent of its insidiously resuming a power most solemnly renounced, would persuade him to the rejection of the proposition; and in this, as well as in a thousand other points of view, he saw the whole of the proposed plan, as the infallible source of eternal discontent, animosity, and ill blood, between the two kingdoms, though we were captivated with the flourishing and fanciful pictures of the harmony and concord that were to cement the sister nations, according to the right honourable gentleman's predictions.

The right honourable gentleman had adopted a mode of recommending the fourth proposition, perfectly suited to the capacity and turn of those who proclaimed their confidence in him, as the principle that procured their support to a system, of which they made no scruple to avow themselves perfectly disqualified from judging. But unless he thought all the members of that House were blinded by the same scandalous ignorance; unless he was weak enough to persuade himself that the nation was possessed with the same bigotted enthusiasm and inveterate idolatry for him, why would he venture upon such nonsense? The argument was — As well might England complain of surrendering her legislative independence, because she was bound by this treaty to similarity of trade and navigation laws with Ireland; that was, that England, who was to make the law, might as well complain as Ireland who was to obey the law. This was the right honourable gentleman's argument; and let no one imagine that he employed such rank folly from want of abilities: the right honourable gentleman's abilities were very considerable, and if the cause admitted of a better defence, the right honourable gentleman would certainly make it. When England should agree to be governed by trade laws originating in the Irish parliament, the right honourable gentleman's reasoning would be forcible; but with all the partiality of that House for him, even he would not dare to give utterance to such a proposition within those walls. Why he thought the Irish were more insensible to the blessings of their constitution than the English, Mr. Fox said he knew not.

Although the right honourable gentleman charges upon me, (concluded Mr. Fox) that I have not heretofore opposed this proposition, he might surely have recollected, that a noble lord near him (Lord Mahon) had attempted to ridicule me when this question was before under discussion, as being now an English, now an Irish patriot; and to that ridicule, impotent and aukward though it fell, I beg leave to plead guilty. I wish to appear what I really feel, both an English and an Irish patriot; only let it be recollected, that I am not so now merely for the exigency of the moment. Let it be recollected, that if, in defending the liberties of Ireland, and discovering a jealousy for her constitution, I deserve the name of an Irish patriot, to that honour I am entitled ever since the first day of the session, when I could not foresee the events of the present day, and long before I knew that any commercial treaty with Ireland had ever been talked of. I embraced the first opportunity afforded by the meeting of this House, to declare my execration of the conduct of the king's ministry in their proceedings in Ireland, where I saw the fun-

damental and most sacred principles of the constitution daringly overturned, and doctrines advanced and measures adopted, in my judgment, utterly subversive of every trace of civil liberty; and all this in the zeal of the right honourable gentleman to suppress the reform of parliament in Ireland.

Upon the opening of the proposed arrangements in this House, I repeated the same arguments, and was convinced that Ireland never called for this system, nor ever thought of it, but was seriously occupied with other objects, I added, that I considered the whole plan as a lure to divert the Irish from constitutional points, by throwing the trade of England at their feet; and to reconcile them to the violation of the laws of the land and of the constitution, by the enchanting prospect of the commercial benefits held out by this system. In this opinion I am strengthened every day, and the eager part acted by those who surround the right honourable gentleman would confirm to me that my fears for the constitution of Ireland were not ill founded, had this fourth proposition been to this hour withheld from England, as it has been studiously concealed from Ireland. If this conduct, Sir, constitutes an Irish patriot, then am I one; and if to struggle to save the trade of England from annihilation, gives any claim to the appellation of an English patriot, I possess that claim. I did not incite the merchants and manufacturers to an opposition to this scheme. If I were capable of making them instruments in this business, they were incapable of becoming my instruments: they did not follow me; I followed them. To the right honourable gentleman's government they were exceedingly partial; and not quite recovered from the insanity of the times, they were absolutely prejudiced against me and my friends. They are as discerning and respectable a body of men as any in Europe, and merited, I think, better treatment than they experienced from the right honourable gentleman. No man was ever more indebted to the protection of the people than that right honourable gentleman; and no people I believe ever so soon began to repent of their predilection. Every act of his government has tended to open their eyes; they are, I believe, completely cured of the popular infection, but I fear their conviction comes a little too late.

I shall now relinquish this subject, perhaps for ever, with repeating a sentiment that I have before thrown out during the discussions upon this business: I will not barter English commerce for Irish slavery; that is not the price I would pay, nor is this the thing I would purchase.

The Resolutions were then passed and ordered to be carried up to the House of Lords. They here again encountered a consi-

derable degree of opposition, and received several amendments. The propositions as finally agreed upon by both Houses were as follow:

"Resolved, 1. That it is highly important to the general interest of the British empire that the intercourse and commerce between Great Britain and Ireland should be finally regulated on permanent and equitable principles, for the mutual benefit of both countries.

2. "That it is consistent with the essential interests of the manufactures, revenues, commerce, and navigation of Great Britain, that a full participation of commercial advantages should be permanently secured to Ireland, whenever a provision, equally permanent and secure, shall be made by the parliament of that kingdom towards defraying, in proportion to its growing prosperity, the necessary expences, in time of peace, of protecting the trade and general interests of the empire.

3. "That, towards carrying into full effect so desirable a settlement, it is fit and proper that all articles, not the growth or manufacture of Great Britain or Ireland, except those of the growth, produce, or manufacture of any of the countries beyond the Cape of Good Hope, to the Streights of Magellan, should be imported into each kingdom from the other reciprocally, under the same regulations, and at the same duties (if subject to duties) to which they would be liable, when imported directly from the country or place from whence the same may have been imported into Great Britain or Ireland respectively, as the case may be; and that all duties originally paid on importation into either country respectively, except on arrack and foreign brandy, and on rum, and all sorts of strong waters not imported from the British colonies in the West Indies, shall be fully drawn back, within a time to be fixed, on exportation to the other; but, nevertheless, that the duties shall continue to be protected and guarded, as at present, by withholding the drawback until a certificate from the proper officers of the revenue in the kingdom to which the export may be made, shall be returned and compared with the entry outwards.

4. "That it is highly important to the general interests of the British empire, that the laws for regulating trade and navigation should be the same in Great Britain and Ireland; and therefore that it is essential, towards carrying into effect the present settlement that all laws which have been made, or shall be made, in Great Britain, for securing exclusive privileges to the ships and mariners of Great Britain, Ireland and the British colonies and plantations, and for regulating and restraining the trade of the British colonies and plantations (such laws imposing the same restraints, and conferring the same benefits on the subjects of both kingdoms) should be in force in Ireland, by laws to be passed in the parliament of that kingdom, for the same time, and in the same manner, as in Great Britain.

5. "That it is farther essential to this settlement, that all goods and commodities of the growth, produce, or manufacture of British or foreign colonies in America, or the West Indies, and the British or foreign settlements on the coast of Africa, imported into Ireland,

should, on importation, be subject to the same duties and regulations as the like goods are, or from time to time shall be subject to, upon importation into Great Britain; or if prohibited to be imported into Great Britain, shall be prohibited in like manner from being imported into Ireland.

6. "That, in order to prevent illicit practices injurious to the revenue and commerce of both kingdoms, it is expedient, that all goods, whether of the growth, produce, or manufacture of Great Britain or Ireland, or of any foreign country, which shall hereafter be imported into Great Britain from Ireland, or into Ireland from Great Britain, should be put (by laws to be passed in the parliaments of the two kingdoms) under the same regulations with respect to bonds, cockets, and other instruments, to which the like goods are now subject in passing from one port of Great Britain to another.

7. "That for the like purpose, it is also expedient, that when any goods, the growth, produce, or manufacture of the British West India islands or any other of the British colonies or plantations, shall be shipped from Ireland for Great Britain, they shall be accompanied with such original certificates of the revenue officers of the said colonies as shall be required by law on importation into Great Britain; and that, when the whole quantity included in one certificate shall not be shipped at any one time, the original certificate, properly indorsed as to quantity, should be sent with the first parcel; and to identify the remainder, if shipped within a time to be limited, new certificates should be granted by the principal officers of the ports in Ireland, extracted from a register of the original documents, specifying the quantities before shipped from thence, by what vessels, and to what ports.

8. "That it is essential, for carrying into effect the present settlement, that all goods exported from Ireland to the British colonies in the West Indies, or in America, or to the British settlements on the coast of Africa, or to the countries beyond the Cape of Good Hope to the Streights of Magellan, should from time to time be made liable to such duties and drawbacks, and put under such regulations, as may be necessary, in order that the same may not be exported with less incumbrance of duties or impositions than the like goods shall be burdened with when exported from Great Britain.

9. "That it is essential to the general commercial interests of the empire, that, so long as the parliament of this kingdom shall think it adviseable that the commerce to the countries beyond the Cape of Good Hope to the Streights of Magellan, shall be carried on solely by an exclusive company, having liberty to import into the port of London only, no goods of the growth, produce, or manufacture of the said countries should be allowed to be imported into Ireland but through Great Britain; except dye stuffs, drugs, cotton or other wool, and spiceries, which may be imported into Ireland from foreign European countries, so long as the same are importable from foreign European countries into Great Britain: and that it shall be lawful to export such goods of the growth, produce, or manufacture of any of the countries beyond the Cape of Good

Hope to the Streights of Magellan, from Great Britain to Ireland, with the same duties retained thereon as are now retained on their being exported to that kingdom, but that an account shall be kept of the duties retained, and not drawn back on the said goods exported to Ireland, and that the amount thereof shall be remitted, by the receiver general of his majesty's customs in Great Britain, to the proper officer of the revenue in Ireland, to be placed to the account of his majesty's revenue there, subject to the disposal of the parliament of that kingdom: and that the ships going from Great Britain to any of the said countries beyond the Cape of Good Hope to the Streights of Magellan should not be restrained from touching at any of the ports in Ireland, and taking on board there any of the goods of the growth, produce, or manufacture of that kingdom; and that no ships be allowed to clear out from Ireland for any of the said countries, but such ships as shall be freighted by the said company, and which shall have sailed from the port of London: and that, whenever the commerce to the said countries shall cease to be so carried on solely by such an exclusive company, the goods, the growth, produce, or manufacture of the said countries beyond the Cape of Good Hope, to the Streights of Magellan, should be importable into Ireland, from the British or foreign settlements in the East Indies, subject to the same duties and regulations as the like goods from time to time shall be subject to on importation into Great Britain; and if prohibited to be imported into Great Britain, should in like manner be prohibited from being imported into Ireland.

10. "That no prohibition should exist, in either country, against the importation, use, or sale of any article, the growth, produce, or manufacture of the other, except such as either kingdom may judge expedient, from time to time, upon corn, meal, malt, flour, and biscuits: and except such qualified prohibitions, at present contained in any act of the British or Irish parliaments, as do absolutely prevent the importation of goods or manufactures, or materials of manufactures, but only regulate the weight, the size, the packages, or other particular circumstances, or prescribe the built or country, and dimensions of the ships importing the same; and also, except on ammunition, arms, gunpowder, and other utensils of war, importable only by virtue of his majesty's license; and that the duty on the importation of every such article (if subject to duty in either country) should be precisely the same in the one country as in the other, except where an addition may be necessary in either country, in consequence of an internal duty, on any such article of its own consumption, or an internal bounty in the country where such article is grown, produced, or manufactured; and except such duties as either kingdom may judge expedient, from time to time, upon corn, meal, malt, flour, and biscuits.

11. "That, in all cases in which the duties on articles of the growth, produce, or manufacture, of either country are different, on the importation into the other, it is expedient that they should be reduced, in the kingdom in which they are the highest, to an amount not exceeding the duties which were payable in the other on the

17th day of May, 1782, so that in every case in which any article was charged with a duty, on importation into Ireland, of ten and a half per centum, or upwards, on the 17th day of May, 1782, the amount of the duties so reduced shall not be less than the said duty of ten and a half per centum, unless in cases were any articles are importable duty free into either kingdom from the other, which articles shall hereafter be imported duty-free into each from the other respectively; and that all such articles should be exportable, from the kingdom into which they shall be imported, as free from duties as the similar commodities, or home manufacture of the same kingdom: provided always, that when any such articles shall be liable, in either country, to any duty on being exported to any foreign country, the same articles, when re-exported from either of the said kingdoms into which they shall have been so imported as aforesaid, shall pay the like duties as if they had been originally exported from the kingdom of their growth, produce, or manufacture, to such foreign country.

12. "That it is also proper, that, in all cases in which the articles of the consumption of either kingdom shall be charged with an internal duty on the manufacture, such manufacture, when imported from the other, may be charged with a further duty on importation, adequate to countervail the internal duty on the manufacture, such farther duty to continue so long only as the internal consumption shall be charged with the duty or duties to balance which it shall be imposed, provided that the countervailing duty to be paid upon manufactured salt imported into any part of Great Britain, shall be computed upon the internal duty payable thereon in England; and that, where there is a duty on the raw material of any manufacture in either kingdom, such manufacture may, on its importation into the said kingdom from the other, be charged with such a countervailing duty as may be sufficient to subject the same to burdens adequate to those which such manufacture is subject to in consequence of such duties on such raw material in the kingdom into which such manufacture is so to be imported; and that the said manufactures so imported shall be entitled to such drawbacks or bounties on exportation as may leave the same subject to no heavier burden than the home-made manufacture; and that, in every case where a duty shall be payable in either kingdom on any article carried coastwise from one port to another of the said kingdom, the same article, when imported from the other kingdom, should be subject to the like duty.

13. "That, in order to give permanency to the settlement now intended to be established, it is necessary that no new or additional duties should be hereafter imposed, in either kingdom, on the importation of any article of the growth, produce, or manufacture of the other, except such additional duties as may be requisite to balance duties on internal consumption, pursuant to the foregoing resolution, or in consequence of bounties remaining on such article when exported from the other kingdom.

14. "That, for the same purpose, it is necessary, farther, that no new prohibition, or new or additional duties, should be here-

after imposed, in either kingdom, on the exportation of any article of native growth, produce, or manufacture, from the one kingdom to the other, except such as either kingdom may deem expedient, from time to time, upon corn, meal, malt, flour, and biscuits; provided, that when any article of the growth, produce, or manufacture of either kingdom, shall be prohibited by the laws of the said kingdom to be exported to foreign countries, the same article, when exported to the other kingdom, shall be prohibited to be re-exported from thence to any foreign countries.

15. "That, for the same purpose, it is necessary, that no bounties whatsoever should be paid or payable, in either kingdom, on the exportation of any article to the other, except such as relate to corn, meal, malt, flour, and biscuits, and except also the bounties at present given by Great Britain on beer and spirits distilled from corn, and such as are in the nature of drawbacks or compensations for duties paid; and that no bounties should be payable in Ireland on the exportation of any article to any British colonies or plantations, or to the British settlements on the coast of Africa, or British settlements in the East Indies, or any manufacture made of such article, unless, in cases where a similar bounty is payable in Great Britain, on exportation from thence, or where such bounty is merely in the nature of a drawback or compensation of or for duties paid over and above any duties paid thereon in Great Britain; and that, where any internal bounty shall be given, in either kingdom, on any goods manufactured therein, and shall remain on such goods when exported, a countervailing duty adequate thereto may be laid upon the importation of the said goods into the other kingdom.

16. "That it is expedient, for the general benefit of the British empire, that the importation of articles from foreign countries should be regulated, from time to time, in each kingdom, on such terms as may effectually favour the importation of similar articles of the growth, produce, or manufacture of the other; except in the case of materials of manufacture, which are, or hereafter may be allowed to be imported from foreign countries duty free; and that, in all cases where any articles are or may be subject to higher duties on importation into this kingdom, from the countries belonging to any of the states of North America, than the like goods are or may be subject to when imported as the growth, produce, or manufacture of the British colonies and plantations, or as the produce of the fisheries carried on by British subjects, such articles shall be subject to the same duties on importation into Ireland, from the countries belonging to any of the states of North America, as the same are or may be subject to on importation from the said countries into this kingdom.

17. "That it is expedient, that such privileges of printing and vending books, engravings, prints, maps, charts, and plans, as are or may be legally possessed within Great Britain, under the grant of the crown or otherwise, and that the copy rights of the authors and booksellers, the engraved property of engravers, print and map sellers, of Great Britain, should continue to be protected in the manner they are at present by the laws of Great Britain; and

that it is just that measures should be taken by the parliament of Ireland for giving the like protection to the copyrights of authors and booksellers, and to the engraved property of the engravers, print and map sellers of that kingdom.

18. "That it is expedient, that such exclusive rights and privileges, arising from new inventions, as are now legally possessed within Great Britain, under letters patent from the crown, shall continue to be protected in the manner they are at present by the laws of Great Britain; and that it is just that measures should be taken by the parliament of Ireland, for giving the like protection to similar rights and privileges in that kingdom; and also that it is expedient that regulations should be adopted, with respect to letters patent hereafter to be granted in the case of new inventions, so that the rights, privileges, and restrictions, therein granted and contained, shall be of equal force and duration throughout both kingdoms.

19. "That it is expedient, that measures should be taken to prevent disputes, touching the exercise of the rights of the inhabitants of each kingdom to fish on the coasts of any part of the British dominions.

20. "That the appropriation of whatever sum the gross hereditary revenue of the kingdom of Ireland (the due collection thereof being secured by permanent provision) shall produce, after deducting all drawbacks, re-payments, or bounties granted in the nature of drawbacks, over and above the sum of six hundred and fifty-six thousand pounds in each year, towards the support of the naval force of the empire, to be applied in such manner as the parliament of Ireland shall direct, by an act to be passed for that purpose, will be a satisfactory provision, proportioned to the growing prosperity of that kingdom, towards defraying in time of peace, the necessary expences of protecting the trade and general interests of the empire."

July 22.

Mr. Pitt moved, "That the foregoing resolutions be laid before his majesty, with an humble address, assuring his majesty, that his faithful Commons have taken into their most serious consideration the important subject of the commercial intercourse between Great Britain and Ireland, recommended in his majesty's speech at the opening of the present session, and the resolutions of the two Houses of parliament in Ireland, which were laid before us, by his majesty's command, on the 22d day of February last:

"That, after a long and careful investigation of the various questions necessarily arising out of this comprehensive subject, we have come to the several resolutions which we now humbly present to his majesty, and which we trust, will form the basis of an advantageous and permanent commercial settlement between his majesty's kingdoms of Great Britain and Ireland:

"That we have proceeded on the foundation of the resolutions of the parliament of Ireland; but in considering so extensive an

arrangement, we have found it necessary to introduce some modifications and exceptions, and we have added such regulations and conditions, as appeared to us indispensably necessary for establishing the proposed agreement on just and equitable principles, and for securing to both countries those commercial advantages, to an equal enjoyment of which they are in future to be entitled:

"That his majesty's subjects in Ireland, being secured in a full and lasting participation of the trade of the British colonies, must, we are persuaded, acknowledge the justice of their continuing to enjoy it on the same terms with his majesty's subjects in Great Britain:

"And it is, we conceive, equally manifest, that, as the ships and mariners of Ireland are to continue, in all time to come, to enjoy the same privileges with those of Great Britain, the same provisions should be adopted in Ireland as may be found necessary in this country, for securing those advantages exclusively to the subjects of the empire: this object is essentially connected with the maritime strength of his majesty's dominions, and consequently with the safety and prosperity both of Great Britain and Ireland:

"We therefore deem it indispensable that these points should be secured, conditions as necessary to the existence and duration of the agreement between the two countries: they can only be carried into effect by laws to be passed in the parliament of Ireland, which is alone competent to bind his majesty's subjects in that kingdom, and whose legislative rights we shall ever hold as sacred as our own:

"It remains for the parliament of Ireland to judge, according to their wisdom and discretion, of these conditions, as well as of every other part of the settlement proposed to be established by mutual consent:

"Our purpose in these resolutions is, to promote alike the commercial interests of his majesty's subjects in both countries; and we are persuaded, that the common prosperity of the two kingdoms will be thereby greatly advanced; the subjects of each will in future apply themselves to those branches of commerce which they can exercise with most advantage, and the wealth, so diffused through every part, will operate as a general benefit to the whole:

"We have thus far performed our part in this important business, and we trust that in the whole of its progress, reciprocal interests and mutual affection will insure that spirit of union so essentially necessary to the great end which the two countries have equally in view:

"In this persuasion we look forward with confidence, to the final completion of a measure which, while it tends to perpetuate harmony and friendship between the two kingdoms, must, by augmenting their resources, uniting their efforts, and consolidating their strength, afford his majesty the surest means of establishing on a lasting foundation, the safety, prosperity, and glory of the empire."

After the motion had been opposed by Lord Beauchamp and Mr. Eden, and supported by Mr. Jenkinson,

Mr. Fox rose. He began by an allusion to lord Beauchamp's apology for the apparent inconsistency of approving of the original propositions, and yet objecting to the resolutions as now before the House, declaring that he was ready to acknowledge himself in much greater danger of the censure of inconsistency; for so far was he from approving either the one or the other, that he most sincerely and heartily reprobated them both, although he confessed that they appeared at the same time to be completely contradictory to each other. He believed, indeed, that there never had been known two systems so diametrically opposite, and yet each so objectionable, as the two systems, that which had been sent from Ireland, and that which had originated in that House, were in all their parts. His right honourable friend (Mr. Eden) had made an attempt to sum up the whole account between Great Britain and Ireland, but he was afraid the calculation would be found much too sanguine; and so far from each country gaining by the arrangement, they would both of them be considerable losers. Great Britain would lose her own market, and the direct trade to her colonies, together with her navigation laws, on which her strength and importance so much depended, while Ireland would lose her constitution, and again become a dependent, subordinate kingdom.

One strong objection against the arrangement with him was, that there was at present no necessity for it, and that such an arrangement ought never to be wantonly brought forward, but only resorted to when it was found necessary. This necessity was known by the minister and his friends to be so essential to the propriety of the plan, that he had endeavoured on many occasions to enforce it by that topic. But what means did he take to point out the necessity? The principal one was that which a right honourable gentleman opposite to him (Mr. Jenkinson) had just stated, namely, that the necessity of such an adjustment had been declared by a resolution, which he had the honour to move in that House in the year 1782. He declared then, as he had declared before, that no idea of a commercial regulation had been entertained by the administration of that day, in proposing that resolution. There were at that time certainly some regulations wanting between the two countries; but those regulations were to extend to political objects alone, and not to commercial; they were partly to establish what was much wanted, something to replace that power, which, in their struggles for independence, the Irish had imprudently insisted on having abolished, and which he had himself given up, in compliance with the strong current of the prejudices of that nation, though with a reluctance that nothing but irresistible necessity

could have overcome. The power, which he wished to have seen replaced was that, which had been so often of late under discussion in parliament, and which had been variously termed, being sometimes called commercial, at other times external, and frequently, imperial legislation. It certainly was highly necessary, that power being precipitately abolished, that some succedaneum should be found for it; for without one general and superintending authority to embrace and comprehend the whole system of the navigation of the empire, it must necessarily happen, that much confusion and great inconvenience would take place. It was an unpromising circumstance in those resolutions, that they were not so much argued to be the result of the judgment of those who brought them forward, as of a strained and fabricated opinion, said to have originated with a former administration, and, as such, forced down the throats of those who had composed that administration, and under the sanction of their names imposed upon the House. He declared, that such gentlemen as had asserted, that that resolution went to any idea of commercial regulation, asserted what was wholly unfounded in fact, and diametrically opposite to the truth.

Having so often trespassed on the time of the House in debating the different parts of the system, Mr. Fox said, he would not now enter into any arguments on the detail of the resolutions; but would confine what he had to say to the general question of policy and justice that arose out of the whole. But admitting that there was any necessity for a commercial arrangement, how was it to be ascertained which system was best, when two systems had been brought forward by the very same person, the one to be laid before the parliament of Ireland to which it had agreed, and the other for the use of the English parliament? Those two systems, each invented by the same person, each promising the same effect, the mutual and permanent good understanding between the two countries, and the one professing to be an amendment of the other, were unfortunately so completely contradictory as to afford no possibility of finding a single argument in support of the one, that did not apply with equal force against the other. He desired to know why the motives for making so complete and effectual an alteration, as well in the spirit as in the words of every one of the propositions, had not been communicated to parliament? Was the right honourable gentleman encouraged to this omission by that confidence which so many of his friends had declared they placed in him? a confidence so unlimited and so determined as not to give way to the vast body of evidence which was offered to that House, and which they had since confirmed by their oaths at the bar of the House

of Lords. If confidence, and blind acquiescence in the opinion of others was a proper ground of parliamentary conduct, he thought that confidence ought to be rather placed with those persons, who, from their number, from their knowledge of the subject, from their interest in it, and from their oaths, were much better intitled to it than a single individual could possibly be. It was not his intention, however, at present, to make any effort to overturn or destroy this confidence in the minister; for being intirely at a loss to conceive on what it was founded, so must he be ignorant of the means by which it could be attacked.

He reprobated the absurdity of the whole proceeding, which had been conducted on a principle of making each parliament state what it would be willing to accept, instead of what it would be satisfied to give. Whereas on the contrary, the proper mode would have been, for each parliament to have well weighed what they could give, and then they would have been competent to determine; for each knowing, and having specified what it could give, and the other ascertaining what it was to receive, it would be easy to strike a balance between them; whereas, on the contrary, Ireland was first brought to make her demands on Great Britain in the eleven propositions sent from thence, and Great Britain in her turn had made her demands on Ireland, in the fourth and fifth of the amended propositions. Hence it was, that the whole plan had the misfortune of being equally detested, both in England and Ireland. This equal and violent degree of aversion had afforded room for a weak and pitiful argument that he had heard used, that the clamour of one country against the resolutions, was a strong argument in favour of them with the other. After exposing the fallacy and illiberal tendency of such an argument, he observed, that it was in one respect the most fortunate argument he had ever known; for being built on the unpopularity of the measure, it enjoyed the advantage of that unpopularity, to the utmost possible extent, and was equally applicable in both kingdoms, the plan being equally execrated in both. It was an unhappy omen, that in an arrangement proposed as a basis for mutual affection, and a pledge of mutual advantage, each party to the negotiation had discovered the strongest motives of discontent, and the strongest grounds of jealousy and apprehension. A right honourable gentleman opposite to him had indulged the benevolence of his own mind, and the luxuriancy of his fancy, with a picture of a liberal system of commerce, without any restraint whatever; but after amusing himself and the House with his theories, he at last acknowledged that he had been only amusing them, for that they were incapable of being applied to the

case of the two kingdoms. He recommended it to the right honourable gentleman, for the future, rather to employ his ingenuity in discovering what was practicable and useful, instead of hunting for systems, which, however beautiful in theory, were perfectly incapable of being reduced to practice.

When he had said, that he had regretted the giving up the power of external legislation, as likely to prejudice the general interests of the empire, and therefore necessary to be replaced, he desired not to be understood as meaning to seek for it again; what he meant was, to find some system, that without reclaiming the power, or infringing in the smallest degree on the full emancipation and independence formerly conceded to Ireland, should afford the means of avoiding that confusion which was otherwise so much to be dreaded. The right honourable the chancellor of the exchequer had made use of an expression on a former occasion that somewhat surprized him, as little calculated to allay those apprehensions in Ireland which he had so wantonly excited. He had said, that it was by no means his intention to resume that legislative supremacy over Ireland in so short a time after having relinquished it. For his part, he did not think any time could be long enough to justify this country in again possessing herself of those legislative rights, which she had so solemnly surrendered; on the contrary, when the supremacy of the British parliament was given up, although he might lament the necessity, and perhaps dread the consequences of such a measure, yet he looked upon it as an inviolable compact, that could never be receded from without the most flagrant breach of public faith; and he should have thought it equally repugnant to the true sense of the compact between the two kingdoms to have endeavoured to get back the power then resigned by a fraudulent negociation like the present, as by a direct and barefaced act of power.

He adverted to the argument that had been used in vindication of the fourth and fifth resolutions, by comparing the principles of them with treaties between independent and sovereign states, arraigning it as weak and inapplicable to the relative situation in which Great Britain and Ireland were to stand after the conclusion of this arrangement. Ireland was to be bound to adopt laws made by Great Britain, of the nature and tendency of which she was to have no opportunity of judging, because they were not expressly stipulated at the time of making the treaty; and therefore she was so far to give up her legislative discretion and free agency into the hands of Great Britain; whereas he defied any gentleman to produce a single instance of any prince or state having ever made such a sacrifice; or if they had, he would then contend for it, that

such prince or state was no longer independent, but was become a vassal and feud to the other.

But there was another strong objection to the system, inasmuch as it contained a principle that essentially intrenched on the constitution of Ireland in another particular; this was the compelling her to set apart, by way of tribute, a certain sum over which she was hereafter to have no controul, nor any power of resumption. This he argued in the strongest and most brilliant manner, shewing how modern liberty, which he contrasted with that of ancient nations, depended on the limited duration of pecuniary grants. This limitation afforded an opportunity to the legislature to withhold supplies until grievances should be redressed. This check on the executive authority would be completely done away, if a sum of money adequate to the immediate expences of domestic government were permanently to be granted. This principle of temporary grants had been never abandoned by the parliament of Great Britain, except in a particular instance, where a permanent grant was necessary to secure the interest of the national debt to the public creditors; but he should be glad to know what any gentleman would think of a minister who should propose to make the malt and land tax perpetual; and yet this he declared to be an exactly similiar proposal. It was, he granted, true, that the surplus of the hereditary revenue ought never to be so considerable as to operate in this manner; but he was at liberty to argue it so, because, if it were to be contradicted, then would it follow that this compensation to Great Britain was nugatory and contemptible.

The right honourable gentleman had recommended firmness to parliament in the course of the business, and he himself would join in recommending that temper as well on every other occasion as the present; but he was very much afraid the right honourable gentleman, in recommending firmness, had unfortunately confounded the meaning of that temper, and meant, instead of firmness, obstinancy and presumption. The discontents of the people were argued from, as the cause which rendered this arrangement necessary. He was willing to admit that there were discontents, but they were not the forerunners or cause of these resolutions, they were their effect and consequence. But how were these discontents to be appeased by the plan now going forward, or what reason was there for such a hope? Was it because that from their first appearance in each of the different shapes which they had assumed, they had raised an universal outcry in both kingdoms? Was it because the benefits to be derived to each nation under them were looked upon by both as trivial and insignificant in the extreme; while, on the contrary, what each was to give, was

considered as most valuable, and greatly to be regretted? He assured the House, that if, by the exertion of influence and corruption, the resolutions could be got through the Irish parliament, so violent was the aversion of the people of that country to them, that they would unquestionably in a short time be able to effect their repeal: for the united voice of the people must at last be obeyed, when their views were stedfastly directed to one great object, and regularly enforced by firm and constitutional exertions.

It was, he concluded, extremely unfortunate and ominous, that this system, which professed to be a pledge of future affection between the two countries, should be so odious and detestable to each of them. He declared, that if it was a philter, it was, of all he had ever heard of, the most disgusting and nauseous; but still the minister, like a self-sufficient physician, was determined to pour the draught down the throats of his patients, assuring them, that however it might hurt their tastes and violate their inclinations at the time, yet when swallowed, it would amply compensate their sufferings, by the comfortable effects they would in the end find from it.

The address was agreed to, and leave was given to bring in a bill "for finally regulating the intercourse and commerce between Great Britain and Ireland, on permanent and equitable principles, for the mutual benefit of both kingdoms." The bill was afterwards brought in and read a first time before the end of the session.

MR. PITT'S MOTION FOR A REFORM IN THE REPRESENTATION OF THE PEOPLE IN PARLIAMENT.

April 18.

THE weight and influence of government had hitherto been exerted more or less in opposition to the measure of a reform in parliament; but the minister having pledged himself to exercise the whole weight of his official situation to attain it, the present opportunity was looked upon as the most favourable it could ever experience. The question was accordingly brought before the House of Commons this day, by Mr. Pitt himself, who concluded a speech of considerable length with moving, "That leave be given to bring in a bill to amend the representation of the people of England in parliament." The plan which he proposed for this purpose, was to transfer the right of chusing repre-

sentatives from thirty-six of such boroughs as had already, or were falling into decay, to the counties, and to such chief towns and cities as were at present unrepresented — That a fund should be provided, for the purpose of giving to the owners and holders of such boroughs disfranchised, an appreciated compensation for their property — That the taking this compensation should be a voluntary act of the proprietor, and if not taken at present, should be placed out at compound interest, until it became an irresistible bait to such proprietors. He also meant to extend the right of voting for knights of the shire to copyholders as well as freeholders. Such was the outline of Mr. Pitt's system *. The motion was sup-

* The Rev. Mr. Wyvill, chairman of the Yorkshire committee, with whom Mr. Pitt conferred on the formation of his Plan, gave the following "Summary Explanation of its Principles," at a public meeting:

"The number of additional representatives to the great districts is proposed to be seventy-two; for which the disfranchisement of thirty-six small boroughs would be wanted. The means by which so considerable a surrender of the right to return members to parliament is expected to be obtained, is certainly adequate to the end proposed, and yet in the view, either of equity or of expedience, perfectly unexceptionable.

"It is proposed that a million of pounds sterling be set apart, as a fund for compensation to the boroughs which may be disfranchised; that this whole sum be divided into thirty-six shares, of which, that each borough agreeing to surrender its elective right, and applying, by petition from two thirds of its electors, to parliament for that purpose, be entitled to one share, to be distributed in due proportion among the several persons interested therein, according to their respective equitable claims, by a special committee of the House of Commons, to be appointed in the same manner as committees are appointed to try the merits of contested elections; by which, if any question should arise, touching the right of voting, or whether the petitioners are actually two thirds of the voters, such question shall be decided: that the interest of these thirty-six shares, or several principal sums of money, be suffered to accumulate and be added to each principal sum, until, by the decision of such committee, each sum, principal and interest included, shall be awarded to some small borough on its voluntary application to be disfranchised. By this provision, the sum appropriated, if not large enough at first to induce the decayed boroughs to surrender their obnoxious rights, would continually increase, and the temptation to resign them would become ultimately irresistible.

"By the other part of Mr. Pitt's system of reformation, a subsequent improvement of the borough representation would be ascertained, and carried into execution on similar terms; and, moreover, a principle of future and perpetual improvement in the representation of towns to an indefinite extent would be established.

"When the representation of the counties and the metropolis shall have been rectified in the mode and to the extent already described, it is proposed that a second sum be set apart to induce such decayed or inconsiderable boroughs aforesaid, as may still remain, to make a farther surrender of the right of electing members of parliament, in order that such right may be transferred to the towns of Birmingham, Manchester, and other large unrepresented places, whenever such unrepresented places shall respectively petition parliament for the same — Also, that the elective franchise, exclusively enjoyed by a few inhabitants, members of the corporate body in certain towns, may be imparted to the inhabitants, house-

ported by Mr. Duncombe, Mr. Wilberforce, Mr. Fox, Mr. Dundas, the Attorney General, Mr. Arden, and Lord Frederick Campbell, and opposed by Mr. Powys, Lord North, Lord Mulgrave, Mr. Burke, Mr. Rolle, and Mr. Young.

Mr. Fox said, that after the many occasions on which he had expressed what his sentiments were on the subject of a reform in the representation, he should not consider himself under any great necessity of troubling the House, had there

---

holders of such towns, occupying houses assessed to a certain small amount, on the voluntary application of such corporate bodies to parliament to surrender their exclusive privileges.

"The extension of the right of suffrage to many substantial householders in the metropolis, the unrepresented towns, and those towns where the right of representation is at present exclusively enjoyed by a few inhabitants, would be the necessary consequence of the several transfers, and communications of the elective right proposed in the two parts of this system. The admission of copyholders to the right of voting at county elections, would form a still greater, and a perfectly unexceptionable, addition to the constituent body; for which, it is understood, that a separate bill would be provided accordingly. Regulations also for multiplying the places of poll in the counties, for the better ascertainment of the right of voting, for reducing expence, and preventing bribery at elections, would be included as subsidiary parts of the same system."

"I. Estimate of the number of boroughs that would probably be disfranchised, and the consequent addition of members that would be made to the larger districts and to unrepresented towns; and also the number of large towns in which the exclusive right of the corporations to elect members would be imparted to the substantial inhabitants, householders of the same respectively; provided Mr. Pitt's whole plan should be adopted by parliament.

	Boroughs.
"By the first part of his plan would be disfranchised, on voluntary surrender, in order to reinforce the representation of the counties and the metropolis	36
"By the second part, to give representatives to certain large unrepresented towns, at least	
"It is impossible to estimate the whole future disfranchisement under this head: but there are at least four large unrepresented towns in immediate view, as fit to receive the right of representation; for which transfer, consequently, the disfranchisement of at least four boroughs would be wanted.	
"Total of disfranchised boroughs	40
"Corporations of large towns that probably would surrender their exclusive right of representation	10
	Members.
"Addition to the metropolis and the counties	72
"To unrepresented towns	8
"Representation thrown open in ten large towns	20
"Total addition of representatives to the public	100

not been extraordinary circumstances attending the introduction of the present question. That he had always been a friend to the principle of this bill was a fact which did not require to be repeated. Whether the means taken to effect that principle were such as were most unexceptionable must remain for future discussion, but could not provoke his opposition to the motion. There remained ample opportunities in the stages of the bill to examine and correct it; opportunities which in themselves would be the highest acquisition. In the review which had been taken of the question that night, means had been used to implicate the American war in the subject now under discussion, by suggesting that it was supported by the influence of burgage tenures, and that if they had been withdrawn, that war would have had a more speedy termination. He acknowledged, that it would have been in the power of the parliament to have brought that war to a period had they considered it an improper one; but the manner in which it must have been done, would have been such, as he should little expect to hear recommended from the gentlemen on the other side of the House. When the delay of a few days in passing the supplies had been represented last year as the most heinous proceeding, what would have been the enormity of stopping, not only the ordnance supply, as was the case, but all the other supplies also, as would be the case in the event mentioned by the right honourable gentleman, namely, the active interference of the House of Commons to put a period to a war. This would be a conduct worthy of a House of Commons, in certain situations, and would shew them to be sensible of their due weight and importance in the scale of the constitution, and that they were not the instruments of a superior power,

---

II. " Estimate of the augmentation of the constituent body, that would be effected by the several extensions of the right of suffrage proposed by Mr. Pitt.

" Householders added in Marybone, Pancras, and other unrepresented parts of the metropolis, about - - - -	10,000
" Unrepresented freeholders in the city of London - -	1,000
" Copyholders in Middlesex, including the metropolis -	7,000
" Copyholders in other parts of the kingdom - - -	65,000
" Householders in Birmingham, Manchester, Sheffield, and Leeds, independent of other unrepresented towns, to whom the right of returning members to parliament may be imparted -	9,000
" Householders in Scarborough, Bury, Bath, &c. - -	6,500
" Unrepresented freeholders of Hullshire, probable about -	500
" Total addition - - - - - - - - - -	99,000

kept for no other purpose but to register edicts, and to perform an annual routine of business.

Much had been said of the merit of dissolving the cohesion of parties which existed in that House. That cohesion did exist, was a truth in which he took too much pride to think of denying, and from which this country had derived too much advantage to be an enemy to: his connections were formed on liberal and systematic principles, and could not be dissolved by any regulations, as long as the same union in sentiment and principles continued to cement them. When an honourable gentleman said, that parties formed on one side of the House occasioned similar engagements on the other; he should have considered, that it equally applied to one as to the other. But there might be circumstances which induced that honourable gentleman to look forward with eagerness to the dissolution of such attachments, if they obliged him to support and defend measures in which his opinions did not correspond; if they found him to act one way and think another. Under such circumstances, it was perfectly natural that he should pant to be disengaged from such connections, and resign the load which seemed so much to oppress him.

To that principle which, by a diminution of the members for boroughs, tended to increase the proportion of representatives for counties, he was sincerely a friend. But while he was thus explicit on the subject of his approbation, it was but just to mention, that there was another point to which he totally objected. With all the respect which he always paid to a House of Commons, and among the rest to the present House, he could perceive in it no superlative excellence, no just superiority, which could justify the suspension of the operation of this bill. To defer for the period of six years any system of reform, however partial and inadequate, was by no means complying with the declared wishes of the majority of the electors of this country; whose voice, though by no means to be acknowledged as that to which the House of Commons must conform, when they were directed by any sudden impulse, as the opinions of a moment, should always be obeyed on points which the experience and consideration of years had taught them finally to decide upon. The people, notwithstanding all that had been said, had no peculiar obligations to this parliament, for uncommon instances of that propriety of conduct, which could warrant so implicit a reliance in it. No very flattering proofs of extraordinary attention to the rights of the people had been given by his majesty's present ministers, in their support of that excellent measure, the Westminster scrutiny! And no very splendid testimony of their prudence in financial concerns, could be drawn from the

commutation tax! This was a proceeding the hardship of which they already felt; and there were some others now in agitation, which were not likely to turn out much more favourable. These only were the reasons the people could have for a reliance in the present parliament. He did not, however, mean to say any thing which could be construed into invective against them; he had before been accused of insulting them; he did not know that he had done so, but if heat should have led him at any time to say any thing which could have that appearance, he was exceedingly sorry for it. There was nothing in any of these circumstances which could impress them on his memory; but he had observed, that nothing he ever said in his warmest moments, had ever drawn forth so much passion and ill temper on the other side of the House as when he attempted to praise them.

The right honourable gentleman had in this instance, receded from those opinions which on two former occasions he seemed to maintain, and the alteration which he had now made, for the purpose of a specific plan, was infinitely for the worse. It was in vain that he endeavoured to qualify the objections, which the idea of innovation raised in the minds of some, by diminishing the extent and influence of reformation. From the earliest periods of our government, the principle of innovation, but which should more properly be called amendment, was neither more nor less than the practice of the constitution. In every species of government (putting absolute monarchy out of the question, as one which ought never to exist in any country) democracy and aristocracy were always in a state of gradual improvement, when experience came to the aid of theory and speculation. In all these, the voice of the people, when deliberately and generally collected, was invariably sure to succeed. There were moments of periodical impulse and delusion, in which they should not be gratified, but when the views of a people had been formed and determined on the attainment of any object, they must ultimately succeed. On this subject the people of this country had petitioned from time to time, and their applications were made to their parliament. For every reason, therefore, they should be gratified, lest they might be inclined to sue for redress in another quarter, where their application would have every probability of success, from the experience of last year. Failing in their representatives, they might have recourse to prerogative.

It had been urged, that now, while this business was in agitation, the people of Birmingham and Manchester had not petitioned to be represented. This was an argument which at this time, of all others, could have but little weight; for

while they were alarmed for their trade, and their subsistence, it was no time for them to set about making improvements in that constitution, in which they were not certain how long they might have any share. On the eve of emigration, they were to look for this in another country, to which their property and business were soon to be transferred. The different parts of this plan would certainly, in a committee, be submitted to modification and amendment; but as it now stood, admitting only the first principle, every other part, and the means taken to attain the principle, were highly objectionable. He should not hesitate to declare, that he would never agree to admit the purchasing from a majority of electors the property of the whole. In this he saw so much injustice, and so much repugnance to the true spirit of our constitution, that he could not entertain the idea for one moment. On the other hand, when the property of a borough was in one man, there was no chance of his disposing of it, on the terms this day mentioned. For when a particular sum was laid down for a particular purchaser, and interest suffered to accumulate on that sum, the man must be a fool, who could be in haste to get possession of it. There was something injurious in holding out pecuniary temptations to an Englishman to relinquish his franchise on the one hand, and a political principle which equally forbad it on another. He was uniformly of an opinion, which, though not a popular one, he was ready to aver, that the right of governing was not property, but a trust; and that whatever was given for constitutional purposes, should be resumed, when those purposes should no longer be carried into effect.

There were instances of gentlemen offering to sacrifice the interest they might have in boroughs, to the public good. He expressed, however, his surprise, that the present proposition was not attended by any liberal offers from those whom government had loaded with honours, and whose connection with the present administration should naturally excite an expectation of something more liberal than a procedure by mere bargain and sale. He was averse to the idea of confining parliamentary situations to men of large fortunes, or those who had distinguished themselves in public professions. Should this be the case, there was scarcely any man so little acquainted with the history of parliament, as not to know, that the House would lose half its force. It was not from men of large and easy fortunes, that attention, vigilance, energy, and enterprize, were to be expected. Human nature was too fond of gratification not to be somewhat attentive to it when the means were at hand; and the best and most meritorious public services had always been performed by persons in cir-

cumstances removed from opulence. The right honourable gentleman need not be ashamed to take some of those regulations formed in the time of the protector, Oliver Cromwell. For though he was a character too odious ever to be the object of praise or imitation, his statutes, confirmed afterwards by his successor, Charles II., bear strong marks of genius and ability; for his political disposition was as good as that of his successor, and his genius infinitely more powerful. He concluded with earnestly entreating all sides of the House to concur in the question. He was sorry the honourable gentleman who spoke before him did not in all the warmth he professed on the occasion, take the most conciliatory mode of acquiring strength to it. Instead of reproaching the noble lord (North) for confining himself to old arguments and observations, he should rather tremble for the success with which those old observations had been applied by his noble friend, and the contrary fate which had before attended the novel and more variable stile of the minister.

The question being put on Mr. Pitt's motion, the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Eliot Mr. R. Smith	174.	NOES	Mr. Eden Mr. North	294.

So it passed in the negative.

REPEAL OF THE COTTON TAX.

April 20.

THE House having resolved itself into a committee on the petitions against the tax imposed last year on cottons, cotton stuffs, &c. Mr. Pitt moved for leave "to bring in a bill to explain and amend an act passed in the twenty-fourth year of the reign of his present majesty, for imposing a duty by excise on certain cotton manufactures, and to repeal so much of the said bill as imposed a duty on plain cottons and fustians."

Mr. Fox rose, he said, with great satisfaction to second the motion, concurring as he did completely in the result of the right honourable gentleman's argument. He thought it highly necessary to declare, that he voted for the motion on a very different ground from that stated

by the right honourable gentleman in the commencement of his speech. He acceded to the motion, not because he thought the manufacturers of Manchester had either exaggerated facts, or failed in making out their case, but because they had so far made out their case as to satisfy his mind, that the allegations stated in their petition had been completely proved at the bar of the House; and if the right honourable gentleman would give himself the trouble to recollect the evidence he had heard, and would ground such fair and just computations upon the price of labour, and upon the amount of the money paid by the manufacturers for duty, as each warranted, he believed he would find himself a good deal mistaken in the computations that he had made, and that the revenue to be given up and abandoned, was by no means so large as he had imagined, nor, in fact, larger than the sum the manufacturers themselves had stated it to be in evidence. Mr. Fox declared the calculations of Mr. Pitt to be erroneous, and stated in what he disagreed with him. He had not a doubt that the manufacturers were strictly warranted in every thing that they had alleged in their petition, and asserted in evidence; and that the revenue to be relinquished was certainly a trifle, compared with the injury and embarrassment so capital a manufacture would have sustained, had it not been taken off. He desired not to be ranked in the number of those who held that manufactures, as manufactures, were improper objects of taxation; he never had entertained such an opinion; on the contrary, he held that articles of manufacture were in many cases a fair and just object of taxation; in some undoubtedly they were not, and especially where the imposition of a tax would so far harrass the manufacturers as to take considerably more money from them than the revenue received, and check the progress of a manufacture, and prove vexatious and oppressive to that degree, that it would affect its prosperity, and endanger its existence. This he verily believed, notwithstanding all that the right honourable gentleman had said, would have proved to be the case with the fustian manufacture, had not the duty been repealed. He agreed, therefore, perfectly with the right honourable gentleman in his idea of repealing that part of the tax of the last year; he agreed with him also in retaining the part of the tax that remained on printed cottons, &c. He was not of opinion that any sufficient reason had been made out to shew that there was real danger to be dreaded from the continuance of the tax on printed cottons, &c., he was therefore for its remaining. He must however deprecate a principle that the right honourable gentleman had laid down in the latter part of his speech as a fit ground upon which any tax might be

abandoned; and that was, on account of popular clamour, and prejudices which were founded in error. To such a principle he never would accede, nor ought that House to make it the ground of their proceedings; because if it were once known that a great degree of popular clamour and prejudice, no matter how ill founded, was a sufficient inducement for that House to give their consent to the repeal of any tax; the revenue would be in perpetual danger; and that sinking fund, of which the right honourable gentleman was so fond of introducing the mention in almost every debate, and to which they all looked forward with the most anxious expectation, would be only a matter to be talked of, and never to be brought into existence. It was by no means wise in any minister to declare, that he gave up that to prejudice and clamour, which he refused to reason and to fact; he did therefore most earnestly deprecate the principle, and deny that it was the ground on which he seconded the motion. The right honourable gentleman had thought fit to introduce allusions to what he had said in a former debate, relative to the Irish propositions, although no man was more ready than the right honourable gentleman to reprobate others for doing so disorderly a thing as to refer to what had passed in prior debates. The right honourable gentleman would recollect, that the subject of India and a certain India bill, had been repeatedly alluded to by himself and his friends in debates, where the question was infinitely more foreign, than the consequence the passing of the Irish propositions was likely to have upon the people of England, was foreign to the question of reforming the state of the representation in parliament. Besides, in that very debate, the right honourable gentleman had himself introduced the mention of the American war, and other topics equally foreign from the subject at that time under consideration. But the right honourable gentleman had laid down two different rules of conduct, the one for himself and friends to act upon, the other to be applied to those who took part against him. With regard to how far the present subject had a reference to the Irish propositions, he made no scruple to say he thought it had; because undoubtedly, if the tax on fustians had continued, and the Irish propositions passed, the manufacturers would be affected very materially, not indeed in their home consumption, but in their export trade; since the fifth proposition, that of the countervailing duties, would only make it necessary for the Irish to lay on a duty equal to what the revenue received; whereas the manufacturers paying more than the revenue received, in consequence the Irish and they would not export on equal terms. Having stated this, Mr. Fox took notice of what Mr. Pitt had said of his ex-

pectation to be vilified and calumniated for the manner in which he had come forward to repeal the tax. The right honourable gentleman had forgot, he said, that the conduct of others had been full as much vilified and calumniated as his own, and, he was satisfied, with as little reason and as little justice. There was no ground for censure in honestly acknowledging an error, and desiring to retract it; there might be ground for question, and for something not very like praise, in declaring that a sacrifice was made to prejudice, and to prejudice merely.

STATE OF THE PUBLIC REVENUE.

April 29.

THE order of the day being read,

Mr. Fox rose to make his promised motion on the state of the public revenue, and to call the attention of the House to the calculations and statements which had been recently made by the right honourable the chancellor of the exchequer. He prefaced his motion with saying, that whatever differences there might be in that House upon questions of a political nature, and in speculative opinions, there was no difference with respect to the propriety and necessity of supporting the public credit. The House had in all administrations been uniform in maintaining the credit which had been so useful to us in our difficulties, and in countenancing every measure which tended to the advancement of our revenue, or the security of the national creditor. It would not, therefore, be imputed to him, that he rose this day to agitate the House on the subject from motives of faction, or for the purpose of exciting alarm in the country. In what he should say, he would give occasion for no such charge. It was his first and most earnest desire to see the revenues of this country rendered so indubitably equal to our necessities, that neither cavil nor ingenuity should be able to excite terrors in the breasts of those who had lent their money on the faith of government; and he did not believe there was an individual in the House who entertained different sentiments.

There had been, he said, a good deal of conversation at different times on the subject of the sinking fund, and on the propriety of applying it to the necessities of the state. With-

out entering at all into the question, whether it was wise in all possible cases so to apply it; or whether the public might not be more benefited by its appropriation occasionally to other purposes, this much was certain, that though it had been applied occasionally to make up for the year the deficiencies of any tax which might have failed of producing what it was calculated to produce, or to answer any sudden and unforeseen emergency, it never was yet taken and applied to the permanent payment of the annuity of any sum which we had had occasion to borrow. To this length we never yet had gone; the wisdom of the House had always provided by taxes a permanent fund for the payment of the national creditor; and the produce of the sinking fund was only held out as an additional security to them, that in case those taxes should fail, their annuities would still be regularly paid. The right honourable gentleman at the head of the finances, had said some days ago, that by the late production of the taxes we had reason to hope that the revenues of this country would annually produce the sum of fifteen millions and a half, which constantly would leave a surplus of one million to be applied to the extinction of the national debt. He would not be confident in the precise words which the right honourable gentleman had made use of in stating this fact; but this was the result, and this his friends had adopted, with the most sanguine disposition.

He was by no means pleased that the state which he should give of the public accounts did not warrant the conclusion which the right honourable gentleman had drawn from them. He by no means wished that his state of the public revenue should turn out to be the true state, in contradiction to that of the right honourable gentleman; but the House must not argue, that because he went into these discussions for the purpose of shewing them that the conclusions which had been drawn from them were not well founded, that therefore he was anxious to affect the public credit, and to lower the state of the funds. He was actuated by no such motive. It was his opinion, that the true and only foundation on which the credit of this country could be maintained, was in the publicity and clearness of our accounts; it was in the evident determination of parliament at all times to look their situation in the face, and neither to deceive themselves, nor to deceive others with fallacious statements which could only serve interested purposes for a moment, while they might produce lasting and dreadful consequences to the country. Utterly to despond was as injurious as to be too sanguine. Despondency would depress the genius, enterprise, and energy of the country; and again, to be too sanguine in our expectations, would pre-

vent us from taking those measures which might be necessary to our deliverance. Apprehending that the state of our finances was very different from that which the right honourable gentleman had held out, it was his opinion, that though our circumstances were bad, they gave no reason for despondency; they were yet to be retrieved; but they were only to be retrieved by our chearfully submitting to new and to heavy burdens. This, in the present situation of the country, was undoubtedly a melancholy prospect; but he had too much confidence in the good sense of the people, and in the wisdom of parliament, to believe, that when the necessity was made apparent for new burdens, the one would either hesitate to impose, or the other to bear them.

He was afraid, that in what he should have to state to the House, he should make the necessity for new burdens too apparent. The right honourable gentleman had laid before the House a paper to shew the comparative produce of the taxes of the quarter ending the 5th of April, 1784, and of the quarter ending the 5th of April, 1785. From the amount of the latter he had argued, that the produce of all the taxes for the year would leave a surplus of one million above the payment of all the annuities and establishments of the year. It had already been stated to the House, that to draw this conclusion from this particular quarter would be fallacious, for that the quarter consisted of eleven days more than either of the other three. The quarter in general was ninety-one days and a fraction; but this quarter was one hundred and two days in length. The amount of the taxes for this long quarter was, by the account produced 3,066,000*l.* which multiplied by four, undoubtedly made the produce of the taxes for the whole year 12,260,000*l.* He avoided fractions to make the matter more readily intelligible. The eleven days, however, which were to be taken from this quarter made the amount very different. On an average the amount of the taxes was about 30,000*l.* per day, which for the eleven days amounted to 330,000*l.* and this multiplied by four, made the sum of 1,300,000*l.* which was to be taken from the calculation of the right honourable gentleman. This, therefore, reduced the annual produce of the permanent annuities to 11,000,000*l.* Add to this 2,500,000*l.* for the amount of the land and malt, and the whole was only thirteen millions and a half, which was two millions short of the calculation of the right honourable gentleman.

It was not a fair nor a true way of stating the taxes, by taking the amount of a quarter as a fourth of the year. The quarters sometimes varied exceedingly; and arguing in this way, from this particular quarter, was liable to much fallacy.

He had it not in his power to argue by comparisons of all the quarters for any given number of years; but having an account in his hand of the amount of the customs for eleven years, he did not think it would be unfair to argue by analogy from them, and to shew how treacherous it would be to decide on the amount of the customs for a year by any one quarter. In comparing the several years, he would naturally pass over the last year, as by the postponement of the customs due by the East India Company, that year could not be set in comparison so as to give any fair estimate of the public revenue. The total of the customs for the quarter ending the 5th of April last, was 770,000*l.* To argue that this was a proof that the other three quarters would be equally productive, he was afraid would be very fallacious, and would not be borne out by the experience of former years. It was a fact, that whenever the spring quarter was high, the summer quarters fell off, and whenever it was low, the summer quarters made up for the deficiencies. The years 1778 and 1779 presented instances like the present year of high spring quarters: in the one, the customs amounted to 708,000*l.* and in the other to 715,000*l.*, and yet it so happened that these two years were the lowest of all the eleven years, for which the account on the table was made up. Was it, therefore, reasonable to infer from the high amount of the customs in this quarter, that the amount of the year would be equally or proportionably high?

But in this particular quarter on which the right honourable gentleman had calculated in so sanguine a manner, there were several articles which struck him in a very forcible manner as being charged too high. East India goods, for instance, were stated in this quarter to have produced 86,000*l.*, a sum so much above what they had ever produced in a former quarter, that he knew not how to take that as a fourth of the produce of this article for the year. The average produce of this article for the last eleven years was but 120,000*l.* a year; and the quarter ending the 5th of April 1784, had produced but 10,000*l.* On such experience, it was impossible that he could set down this article at 340,000*l.*, for the year. There must have been in the payments made this quarter, some arrearages paid up, or some extraordinary circumstances which would not enter into the other quarters, and which therefore it would be unfair to calculate upon in this statement.

Another article struck him as curious. The duty of eighteen and a half per cent. on muslins was stated to produce 86,000*l.* in this quarter; this was as much as the duty had produced for the whole of the last year. The excise duties

which were paid into the exchequer at the rate of 350,000*l.* per week made another very material inaccuracy in this account; for, by the addition of the eleven days in this quarter, the excise duties were paid for fifteen weeks. So that if this was to be taken as a fourth of the year, the year must consist of sixty weeks instead of fifty-two.

The stamp duties which had been imposed by his noble friend, Lord John Cavendish, were stated to have produced in this quarter 96,000*l.*, a sum which very much astonished, and which, if it were true, would very much please him. He was afraid, however, there was no truth in this statement. The whole produce of these duties, which undoubtedly had fallen short of their calculation, had never yet amounted to much above 100,000*l.* a year; to state, therefore, that they had produced 96,000*l.* in one quarter, was a thing for which he could not account, however he might wish that the fact were so. The additional stamps which had been laid since that time, were stated also at 96,000*l.* This would give on each of these articles an annual produce of 380,000*l.*; and he called upon gentlemen to say, whether they expected such a sum, or any thing like it, from these duties? Besides this, there was to be mentioned other charges, which were evidently inaccurate—the deduction from salaries, the composition of the bank for the whole of the stamp duties on notes was 12,000*l.* a year, and yet in this quarter 6000*l.* of that sum was taken, and which therefore could not be multiplied by four.

It was impossible that he could speak on these points with the authority of the right honourable gentleman, because he had not the information. He conceived these things to be curious and unaccountable, and he trusted that the right honourable gentleman would explain them to the House, in support of the reasoning and conclusions which he had drawn from this quarter. These articles, which he had enumerated, would amount, in the calculation for the whole of the year, to upwards of 150,000*l.* but he understood the right honourable gentleman had said, in his statement of this quarter, that there was one sum of 125,000*l.* to be deducted, and that there was 100,000*l.* to arise in another quarter, which was not in this. Not knowing precisely in the present stage what were the articles on which the right honourable gentleman had said that these deductions were to be made, he would not insist so much on the particular objections as on the great objection to the eleven days in this quarter which were not in the others; and upon this he still contended, there was a deduction to be made of 1,300,000*l.* from the calculation for the year.

Another way had been taken in stating this business. Instead of multiplying this quarter by four, the two winter quarters were taken together and multiplied by two. He conceived this also to be fallacious, though not perhaps so fallacious as the other. He must reason on this also from the account of the customs on the table. In that account he found that the average of ten years was about 74,000*l.* in favour of the summer quarters; and here it was to be observed, that taking it in this way, there was a difference of five days in the calculation. The winter quarters included from the 10th of October to the 5th of April; but one thing particularly deserved the notice of the House, and that was, that by the account of the customs on the table, it appeared, that whenever the spring quarter exceeded 700,000*l.* the summer quarters were proportionably low. But admitting this mode of stating the account, and multiplying the two last quarters by two, to give the probable production of the present year, the amount would be but 11,400,000*l.* which would still leave a deficiency of 1,650,000*l.* of the fifteen millions and a half stated by the right honourable gentleman.

He understood the right honourable gentleman had argued from this account in another way. He had compared this spring quarter with the spring quarter of last year; he considered this as still more fallacious; he had compared it with the worst spring quarter for the last ten years. The quarter of last year was bad for the reasons he had stated, namely, the postponement of the East India duties: but he begged gentlemen again to look at the account in their hands of the customs; they would find, that though the spring quarter of 1784 was the worst of the whole ten years, yet the year 1784 was the best but one of all that period. Nothing could be more erroneous than to argue, that from the goodness of the spring quarter the whole year was to be estimated. It so happened, that whenever the spring quarter was highest, the whole year was low: for instance, the spring quarter of 1779 was 715,000*l.* The spring quarter of 1784 was 385,000*l.* Yet the whole of the year 1779 produced but 2,200,000*l.*, while 1784 produced 2,600,000*l.* It was in vain, therefore, to argue from this mode of statement. But he said, that in giving the right honourable gentleman every thing he demanded, in stating the account with all the possible advantages which could be enumerated, and omitting all the objections which he had made, by laying the two winter quarters together, and even permitting him to say that the summer quarters would be better, granting that they would be better as six is to five, yet in this way, the whole amount of the permanent revenues, and of the land and malt, would be but 14,233,000*l.*

which would be a sum of 300,000*l.* short of what he had annually to pay, and 1,300,000*l.* short of the statement of the right honourable gentleman, by which there was to be a surplus of 1,000,000*l.* a year for a sinking fund.

If, therefore, it was the determination of that House to meet the situation of the country fairly; if they intended, with the honesty and determination that became them, to put the finances of the country beyond the reach of cavil, give security to the creditor, and manifest to the whole world their disposition to be strictly honest, they must lay additional burdens on the people to the amount of 1,300,000*l.* a year. The alternative was undoubtedly unpleasant; but no man could hesitate one moment in making his choice. The alternative was, that in the present moment, when the people of this country were labouring under taxes that were almost insupportable, they should impose new and heavy burdens on them to the amount of 1,300,000*l.* a year; or that the immense load of this country should be suffered to continue for ever; by which, when some new struggle might occasion extraordinary calls, we must be brought to that dreadful state which no considerate man could look at without horror—a national bankruptcy. Surely, in this view of the matter, no man would hesitate in his choice: he who could cherish in his bosom for one moment the idea of embracing the one side of the alternative, must have a head incapable of judging: a national bankruptcy would be national ruin; and the head of that man must be strangely dull, or his heart inhuman, who could harbour such a notion. It was not to be thought of: and yet he knew that strange, mad, and atrocious schemes had been engendered in the brains of some men to this end; but no practical statesman had ever thought of them, no wise man had ever countenanced them, and no good man, he trusted, would ever adopt them. The right honourable gentleman had properly stated to the House, that it was only by the gradual diminution of the debt that we could retrieve our affairs. This was his belief; and he was sincerely of opinion, that by chearfully submitting now to an increase of burdens, our affairs might not only be retrieved, but we might be brought to a more prosperous condition than we had ever enjoyed.

It might be said, let us wait another year before we lay any more taxes on the people. Let us see what the result of our wishes are. This, he said, was truly impolitic; the loss of a year of peace was a material loss. If the sum was actually not wanted; if there should at this time be a sinking fund, the increase of that fund would be a blessing, and the year of peace ought not to be lost, though he knew it was the opi-

nion of some men, that war was the proper time for the diminution of the national debt. Perhaps it might be said, that he pushed ministers to do this, in order to make them unpopular, because it must be an unpopular measure to lay additional burdens to so large an amount. If such should be the imputation thrown on gentlemen who rose in that House to deliver their opinions on subjects of revenue, it would be wise for them to absent themselves whenever such subjects were mentioned; but no such imputation could with justice be brought against those who fairly offered to share in the unpopularity by assisting the ministers in the task.

He concluded with saying, that it was his intention to have moved, from the grounds which he had stated, that it appeared to the House, that the permanent revenues of the country amounted only to between eleven and twelve millions; but not being able to state the precise amount, he did not think that such a motion would have the accuracy which the House should require; and therefore he proposed to move "That a committee be appointed to enquire into, and state to this House, the annual net produce, from the 5th of April 1775 to the 5th of April 1785, of the several taxes now subsisting, which were granted previous to the 5th day of January 1776, distinguishing each year, together with the totals, and stating also the average produce of each tax, and of the totals; and also, the produce of the several taxes granted since the 5th day of January 1776, for one year, ending the 5th of April 1785; and also, the amount of the public debts as they stood at the receipt of his majesty's exchequer, on the 5th day of April 1785, with the annual interest and other charges payable thereon; and also, the amount of the exchequer bills, navy bills, ordnance debentures, and other unfunded debts; and to report the said accounts, with their observations thereupon, to the House."

The motion was seconded by Mr. Eden. Mr. Pitt entered into a detailed review of Mr. Fox's speech, and congratulated him on his having become a proselyte to the measure of a sinking fund; but still there were some of his collateral doctrines on the subject, in which he could not but differ with him in opinion. He denied that it was contrary to the proper intent of a sinking fund ever to apply any part of it to any other purpose, except the diminution of the debt; not even to the payment of the interest; for, on the contrary, it had been the constant practice of all financiers so to apply it, if necessary, still making up the deficiency arising from such application by other taxes; and, indeed, the sinking fund was at all times considered not only as a resource for paying off the debt, but was also uniformly understood to be a collateral security to the public creditors. He paid some ironical compli-

ments to Mr. Fox for his zeal on the subject; a zeal, however, which, like that of all new converts, was more ardent than judicious; for in his great anxiety that a sinking fund should be established, he was desirous immediately to proceed to the imposition of taxes for that purpose, without being satisfied to wait a few months longer to see whether those now in being would not be found sufficient. He returned the right honourable gentleman his thanks for his readiness to ease him of the most disagreeable part of his duty, that of proposing new taxes, and hoped the same disposition would continue, if it should be found, contrary to his present expectations, that they were necessary; for he should be more happy to see all that brilliancy of eloquence, and all that force of argument, exerted on an occasion when taxes were to be laid on, than at a time when no such thing was in agitation, or at all requisite. But though the arguments of the right honourable gentleman were, on this occasion, useless and inapplicable, he should not forget them, but would treasure them up in his memory for any future use to which they might be turned, when the subject of taxation should come forward. And he hoped the House would remember, that the right honourable gentleman, by his extreme forwardness on the present day to lay new burdens on the public, had pledged himself to support whatever measure of finance should from any future disappointments be found necessary.

Mr. Fox rose to reply. He began with observing, that the right honourable the chancellor of the exchequer had thought proper to bestow the name of a proselyte upon him. He desired to know at what period of his political life it was that he had ever held any other than one and the same language, respecting the necessity of keeping up the sinking fund, so as to be able to apply a certain sum unalienably towards the discharge of the national debt, in time of peace. At all times, and on all occasions, when questions of finance were agitated, had he not contended, that unless this were done, the nation would be inevitably ruined? How happened it, then, that the right honourable gentleman had discovered that it was a new doctrine in his mouth? With regard to his having declared, that the surplus of the sinking fund ought never to be applied towards the annual establishments, or in discharge of the public annuity, he had said directly the reverse; having declared, that it was, in his opinion, right so to apply it, when a necessity arose, as Sir Robert Walpole and all his successors had occasionally applied it; but he had at the same time said, that it ought not to be suffered to remain as a fund appropriated to those purposes generally; on the contrary, its great object, namely, the applying it in diminution of the public debt, ought ever to be held in view. Mr. Fox reprobated Mr. Pitt's argument as in the highest degree fallacious and illusory. The right honourable gentleman uniformly

avoided and flew from any computation grounded on the average of a number of years and upon experience—to resort to what?—a computation built upon the amount of the produce of the two last quarters, an amount exceeding any that had gone before for obvious reasons, joined to the amount of two summer quarters, which accidentally had been the greatest of any two summer quarters to be instanced. This was, he said, of all weak modes of reasoning, the weakest. It was not merely trusting to visionary speculation, but to that sort of speculation most liable to failure. With regard even to the confidence the right honourable gentleman had placed in his conjectures, in consequence of his boasted quarter ending April 5, 1785, he might find his conjectures deceive him; since the only quarter's produce that had greatly exceeded others, was a quarter in the year 1779, the remaining quarters of which failed beyond all example. Mr. Fox defended Lord John Cavendish's budget, and said he should not have imagined the present administration would have imputed blame to it, since they could not have forgotten, that Lord John had been obliged to open his budget within three weeks after he had kissed his majesty's hand as chancellor of the exchequer, and that he succeeded the right honourable gentleman in that office, who had remained in it six weeks perfectly inactive, and without doing one thing for the public in point of finance. Had Lord John continued another year chancellor of the exchequer, undoubtedly he would have been prepared with new taxes, to have supplied the deficiencies of his own taxes, and with some plan for establishing a fund to be applied immediately in diminution of the national debt. But what had been the right honourable gentleman's conduct? Who, that had last year seen him assume an air of the utmost personal importance and gravity, and heard him ardently talk of his determination to encounter loss of popularity, public clamour, and public odium, rather than not effect so necessary a purpose as applying a fund towards the immediate diminution of the national debt, would have imagined that he would this year have come forward with a series of computations, founded in demonstrable fallacy and error, in order to ground a pretence for putting off the great work till another session? What pledge had the House that he would begin upon it even next session? Indeed, his words were sufficiently big with promises, but would a minister's promise insure a minister's performance? Last year he gave a verbal pledge, and bound himself by words as fast as words could bind him. Master as he was of words, he defied the right honourable gentleman to invent expressions more binding or more strong than those he had used last session; and yet the

House had witnessed what security his verbal pledge had proved! Thus might he go on promising and promising *ad infinitum*, and a work that ought to have been begun before, and that would not admit of longer delay, be deferred till we found ourselves again involved in a war; and he was not yet brought over to the opinion that war was the fittest season for the discharge of the national debt.

Mr. Fox took notice of Mr. Pitt's sneer at his having argued in support of the imposition of new taxes on an occasion, where no taxes were necessary to be imposed. In answer to this, he said, he conceived the question of the day would decide whether new taxes were necessary or not; and therefore it was, of all others, the fittest moment for pressing the argument. Were there no doubt in the case, and were it the decided opinion of that House that taxes ought to be laid, any argument of his in support of such an idea, would undoubtedly be superfluous; it could only be of use where the question was in contest. Mr. Fox, in answer to Mr. Pitt's allusion to the India bill, said, the very conduct that the right honourable gentleman had at that time imputed to him, he was now practising himself,—that of holding out fallacious account, and false statements of the revenue, to mislead and delude the public. With regard to India, did any man now believe, that the accounts presented to that House by the directors of the East India company last year, and upon which they had proceeded to pass a bill into a law, were not fallacious? After what he had lately seen from Bengal, after what the learned gentleman next him (Mr. Dundas) knew of the affairs of the company in India, did the right honourable gentleman think the accounts of the last year were to be relied on? He was persuaded he did not. With regard to the putting the office of chancellor of the exchequer in commission, he had no such intention, nor if he had, should he have thought of putting the chancellor of the exchequer at the head of that commission, any more than he should have thought of putting the office of master general of the ordnance in commission, and have placed him at the head of a board of commissioners appointed to controul the executive branch of his own department. The sort of committee he wished to have instituted, might, he said, prove essentially serviceable, by investigating facts, and reporting them to the House, whence they would have the way cleared, and be enabled to proceed with certainty. To a committee of the House, be it composed of whom it would, he was ready to trust that or any other business, because he was convinced by the conduct of a committee last year, that however gentlemen, who were chosen in a committee, might generally differ in their politi-

cal sentiments, they would always form such a report as would do them honour, and would prove of essential benefit to the public, by affording the House a species of useful and authentic information they could not otherwise obtain.

The motion was negatived without a division.

Address on the King's Speech at the Opening of the Session.

January 24. 1786.

THE King opened the session with the following speech to both Houses:

"My lords and gentlemen; since I last met you in parliament, the disputes which appeared to threaten an interruption to the tranquillity of Europe have been brought to an amicable conclusion; and I continue to receive from foreign powers the strongest assurances of their friendly disposition towards this country.—At home, my subjects experience the growing blessings of peace in the extension of trade, the improvement of the revenue, and the increase of the public credit of the nation.—For the farther advancement of those important objects, I rely on the continuance of that zeal and industry which you manifested in the last session of parliament.—The resolutions which you laid before me as the basis of an adjustment of the commercial intercourse between Great Britain and Ireland, have been, by my directions, communicated to the parliament of that kingdom; but no effectual step has hitherto been taken thereupon, which can enable you to make any further progress in that salutary work.

"Gentlemen of the House of Commons; I have ordered the estimates for the present year to be laid before you: it is my earnest wish to enforce economy in every department; and you will, I am persuaded, be equally ready to make such provision as may be necessary for the public service, and particularly for the maintaining our naval strength on the most secure and respectable footing. Above all, let me recommend to you the establishment of a fixed plan for the reduction of the national debt. The flourishing state of the revenue will, I trust, enable you to effect this important measure with little addition to the public burdens.

"My lords and gentlemen; the vigour and resources of the country, so fully manifested in its present situation, will encourage you in continuing to give your utmost attention to every object of national concern; particularly to the consideration of such measures as may be necessary, in order to give farther security to the revenue, and to promote and extend as far as possible the trade and general industry of my subjects."

An address in the usual form being moved by Mr. Smyth, the member for Pontefract, and seconded by Mr. Addington, the Earl of Surrey moved by way of amendment to omit that part of the proposed address which related to the commercial negociations with Ireland. After which,

Mr. Fox rose, and declared, that of all the speeches from the throne which he had ever remembered to have heard delivered at the opening of a session of parliament, of all the speeches of that kind which he had ever heard of by relation, or read of in history, he did not recollect to have met with an instance of one so cautiously worded, or that afforded such little ground for objection of any kind. He rose, therefore, to speak to what was out of it, rather than what was in it; to that which perhaps ought to have been there, rather than to what was there. The propriety of a minister's contenting himself with addressing a British parliament from the throne, with general ideas of the political situation of a country, instead of specifically adverting to facts and circumstances, which deeply and materially concerned its first and dearest interests, relatively considered with those of other states, would be for others to judge and to decide upon. It was enough for him to see, that there were so many matters pending, and so much had been lately done by foreign powers, the consequences of which might more or less critically affect Great Britain in proportion to the measures that his majesty's ministers had pursued; and, indeed, upon the ground of these transactions, he had looked for something more than vague assurances of the tranquillity of Europe, and had expected his majesty's speech would have given that House a variety of lights upon a variety of great and important subjects, intimately connected with the future prosperity or ill fortune of the empire; upon all of which the speech left the House in utter and impenetrable darkness.

With regard to the extension of trade, the increase of the public credit of the nation, and the growing surplus of the revenue, those were circumstances in which every man must rejoice; and at which no party, no political faction, no set of persons of any name and description whatever could suppress their exultation, because they went to prove, what must be to all ranks of men and all political parties, a matter of solid satisfaction and unrestrained triumph, the returning vigour of our resources. But, were these matters of surprise, were these circumstances to cause astonishment? Undoubtedly they were not. Almost every man knew there would be some surplus; almost every man expected it; they only differed about the amount of that surplus, one gentleman alone excepted, who

had certainly contended, and had endeavoured to prove, that there would be no surplus; but that gentleman had probably been since convinced of his error, had retracted it, and as every man of candour would do, he had no doubt he was ready publicly to acknowledge that retractation. That there would be some surplus, he had always admitted; what that surplus was, he would not then attempt to enter into the discussion of. Indeed, it was not possible till he knew it, till he had it stated to him, and its amount was fairly before him, and capable of argument and of investigation. He would not assert to what the signs of returning vigour were ascribable; that might be matter of much useless difference of opinion; several of them might be owing to the success of some of the measures of the present administration; he would not be so uncandid as to deny that they were; but more, far more, he believed, were owing to the failure of others of their measures, which, had they succeeded, must have been attended with consequences, the most fatal to the revenue and to the national credit and prosperity, that could possibly be imagined. Nothing but the alarm and disgust created by the agitation of those bad measures could have so long kept back the returning trade of the country, the natural consequence of peace, which ever had been the case at the end of every war before the last. That alarm and disgust had been done away, in a great degree, by the failure of the measures to which he alluded, and the tide of trade was now returning to its old and natural channel.

For his part, he certainly should not object to the address in general, though he might probably vote with his noble friend for his amendment; but there were two matters of considerable importance, which, in one instance, arose out of the wording of the speech, in its first paragraph, and in another, was mentioned in a subsequent part it, upon both of which he must say a few words, and expect to receive some answer: whether satisfactory or not the event would prove. What he meant was, to inquire what sort of construction, whether a broad or narrow one was to be put upon that part of the speech which related to the tranquillity of Europe, and stated, that his majesty continued to receive the strongest assurances from foreign powers of their friendly disposition towards this country. He wished also to know, what was meant by the manner in which the resolutions relative to an intended adjustment of a commercial intercourse with Ireland was mentioned, and whether they were to understand, by being told from the throne, that they were incapable of making any farther progress in the work, that the resolutions were completely abandoned and given up, or that they were to be revived, and endeavoured to be carried into effect at any

future period of time? On both these points it was exceedingly material that such information should be given, that each might be clearly and precisely understood.

With regard to the first, if the mention of the tranquillity of Europe alluded only to the end that had been put to the threatened war between the emperor and the United States of Holland, in that case the construction was too narrow, and his majesty's ministers greatly undervalued the information of that House, and not of that House only, but of every man who read or attended to the political transactions of Europe, and who was at all aware of what passed on the continent, the different treaties lately entered into by different foreign powers, and the conduct which ought to have been pursued with a view to counteract the operation of those treaties and transactions, as far as it was likely to prove prejudicial to the interests of Great Britain. He was aware, that not being a minister, he had it in his power to speak in a style, in which it would be highly imprudent for his majesty's ministers to express themselves, and as the matters that he should have occasion to treat of, were of infinite consideration, he should endeavour to make himself as well understood as possible. With respect to the naval force of this country, and what ought to be the criterion of its number and strength, his noble friend the Earl of Surrey had mentioned only the naval force of France, forgetting that France was but one branch of the powerful confederacy of maritime powers, that had been entered into with a professed hostility to Great Britain; for though all treaties were avowedly treaties of a defensive nature, and entered into upon a pretence of mutual defence, every man who knew any thing of the meaning of treaties, knew that their true intent and purport was offensive to all who, in the opinion of the contracting parties, took any measure, considered as inimical to the interests of either of them. The treaty, therefore, which the House of Bourbon had persuaded the United States to enter into with them, and which effectually secured Holland in their hands, was to be considered as a treaty hostile to this country, inasmuch as it combined three of the most powerful maritime powers of Europe in a confederacy against Great Britain. That it was unadviseable and impolitic for the United States to enter into any such treaty, he verily believed; but, as the treaty was made and executed, it behoved our minister to be vigilant and assiduous in engaging in some alliances with other European maritime powers, whose connection and support might enable us to counteract the mischievous tendency and effect of the operation of the confederacy in case of a war with either of the contracting powers. In explanation of the

consequences to be dreaded from this confederacy, he should beg leave to remind the House, that our late war with France had been purely a maritime war, as we had carried on no military operations by land, excepting only against our own subjects in America; and this, surely, afforded arguments to shew the extreme and urgent necessity for our forming a close and intimate alliance with the court of Petersburgh; and doubtless, if the two cabinets properly understood the relative interests of Great Britain and Russia, and how much they were by the character, commerce, and situation of each mutually involved, and naturally combined, they would lose no time in the negotiation of such a treaty. Two years ago a crisis was formed, of which this country ought to have taken advantage, and which he had, at the precise moment, pointed out in that House. Many gentlemen might recollect the moment to which he alluded: it was that, when the Empress of Russia had settled her differences with the Porte, on the subject of the Crimea. Though it had been admitted on all hands, that the settlement of those differences respecting the Crimea had formed the crisis he talked of, and that the most glorious opportunity had been afforded for Great Britain to help herself, had the circumstance been managed with dexterity, nothing had yet been done. The recent advantage France had acquired as a maritime power, by obtaining possession of a port in the Baltic, should, if possible, have been prevented.

In one situation of affairs, the possession of Gottenburgh, it was true, France could make but little use of it; but, in case of a war, the advantage must be prodigious to her. Let gentlemen recollect, that in all her wars, France had been most embarrassed by her continental situation, and the dread of an attack from the neighbouring powers; the whole of her policy, therefore, had been directed to engage them in such a manner, as to add to her security; and hence it was, that during her last war, she had been able to render her maritime force so respectable and so powerful, because she had no occasion to give her attention to the strengthening of her frontier towns, the adding to her internal fortifications, the recruiting her garrisons, and all that variety of considerations necessarily kept alive, while it appeared possible for her continental neighbours to seize the opportunity of profiting of her being engaged in hostilities at sea. Nay, she was even able to aid her resources by a reduction of her army in time of war, and apply the saving to the increase of her maritime strength. What was the case at present? France was safe by her family compact, as to any fear from Spain; and she had by the late treaty quieted all possibility of dread from Holland; which, indeed, had never been very

powerful by land. Her only cause of alarm, therefore, was the court of Vienna; and that, notwithstanding all former assurances of good fellowship, and notwithstanding the still more endearing bonds of connection cemented by family union, was a constant and serious source of alarm; but that cause of terror we had put to rest, having given his imperial majesty great disgust, and rendered his feelings adverse to Great Britain. All this had arisen from the part which the Elector of Hanover had taken in joining the Elector of Saxony, and other Germanic princes in the league founded on the plea of preserving the liberties of the empire. The safety of France by land was effectually secured by the effect of that league on the mind of the emperor, and we should find her hands strengthened considerably in any future war in which we might be engaged with her. France had nothing to wish for before that league was made, but that some circumstance or other should happen to create a jealousy and dislike of Great Britain in the emperor. That circumstance we had ourselves provided, and provided gratis, at a moment when France would have paid us any price for it, far more than she had expended in bringing about the peace between the United States of Holland and the emperor. The most sanguine dreamer of national good fortune could not have pictured to himself the possibility of such a prosperous event in favour of France.

One circumstance looked propitious to this country, which he had heard from such authority as he could rely on, and therefore he would mention it. At the same time, he did not doubt but the right honourable gentleman, as a minister, was aware of it; but as it was a favourable omen for Great Britain, he was glad to be the person to announce it in that House,—and that was, that there now offered a good opportunity for renewing a treaty of commerce with Russia, and that it was in a fair way to be renewed with success. He well knew the fashionable mode of calling treaties commercial and treaties political distinct and separate sorts of treaties; but he was not to be blinded by any such new-fangled and ill-founded distinctions; treaties of commerce entered into between two countries always had influenced their politics in a very great degree, and he had not a doubt but a treaty of commerce, entered into between the court of London and the court of Petersburgh would have its due and salutary effect, politically as well as commercially; he was, therefore, extremely glad of a circumstance so promising to the interests of both countries.

To the mention, however, that the treaty was likely to go on between Russia and Great Britain, he thought it fair to

add, that he had heard Russia would, at the same time, enter into a commercial treaty with France; of that, he had received his information from a very different quarter, from an authority not equally good with that from which he had heard the other, and therefore he hoped, and believed, that the information was ill founded. He had no opinion of any good resulting to this country from a commercial treaty between Great Britain and France, and his reason for not thinking that such would be its effect, was, that the experience of past times proved, that this country had grown great, prosperous, and flourishing, from the moment that she quitted all her commercial connections with France. He expressed his strong disapprobation of the idea of putting the country to the expence of two different establishments for two different plenipotentiaries at Paris, and contended that it was idle and unnecessary. There were two ways of doing the business of this commercial treaty, and finishing the negociation of it. Either the noble duke (of Dorset) now there might do it, or a person like Mr. Crawford, who had been employed already, might act under him; at any rate, he declared he saw no reason for sending out a gentleman, whose rank in life rendered it improper for him to act in a subordinate capacity. The right honourable gentleman at the head of the treasury, had undoubtedly chosen a gentleman (Mr. Eden) for the office of extra plenipotentiary, who knew somewhat more of the details of trade and commerce than he did himself. That the right honourable gentleman was better acquainted with commercial concerns, the last session had well convinced the minister on more than one occasion; but still he saw no reason for employing even that right honourable gentleman's talents on the subject, and he feared the appointment had rather been made out of respect to the person, than from any necessity for the exercise of the right honourable gentleman's abilities in the way in which they were to be employed. The new board of trade, which was undoubtedly composed of men of great abilities and consideration, and men of higher rank than the members of the old board of trade, were the most extraordinary timists, if he might so call them, that ever existed. Last year, after the propositions had come over from Ireland, and just as the British parliament was called upon to vote them, the new board of trade proceeded to inquire whether the propositions were such as were fit for either country. In the case of the commercial treaty, they were equally singular in the time of their sending out a person with proper powers to negociate it. By the treaties of 1782, a treaty of commerce was to be negotiated between this country and France, on or before the

1st of January 1786, and from that day all negociation was to be at an end. Now, therefore, when the time of negotiation was past, the new board of trade were busy with the subject, and they were about to send out a negotiator. He supposed no step had been taken, nor scarcely any progress made within the time prescribed by treaty. A second proof of the bad timing of our political proceedings was, that Sir James Harris had presented a memorial to the States upon the subject, but unfortunately not till after the treaty was concluded. When he read the memorial, he pitied the situation of Sir James, as he could from his own knowledge declare, that Great Britain never had a more respectable, a more able, or a more active and accomplished ambassador at any foreign court whatever.

As to the state of affairs in India, ever since the board of control had been established, a dark veil had been carefully drawn over all that had passed in that distant part of our dominions, and he verily believed not without good and sufficient reason; secrecy, he was persuaded, was the only safeguard for the conduct of the commissioners, whose orders had added to the confusion of our affairs in India, rather than produced any one salutary effect in the British possessions in that quarter of the globe. Let the minister declare, whether after all that had happened, he would still venture to talk of his East India bill in his usual tone of triumph. Every man was pardonable for entertaining a speculative opinion of the probable good effect of any measure of his own before it came to be tried; but no man ought to be allowed to indulge himself in expressions of self-praise, which experience had proved that he by no means merited. His India bill had been attacked on the ground of its taking away the charter of the East India company, after proof of its having been grossly abused; but the right honourable gentleman's bill did what was ten thousand times worse; it took away the unalienable rights of individuals, and deprived British subjects of their birth-right, the right to trial by jury, and of trial by their peers; a right secured to every Englishman by the great charter of our liberties. The clause, obliging all the servants of the company who came from India, after a certain period to give an account of their fortunes on oath, was most unjust and delusive. It held out protection and security to the rich, while it obliged the poor to submit to its severest operation; it gave all that wished not to submit to it three years to return home in; and this the opulent, and the opulent alone could take advantage of. As to the boasted accounts of the promising state of the revenues of India, instead of a deficiency of only 1,400,000*l.*

they would now, he believed, find not mere errors of fractions, but errors of millions. He said, that Lord Macartney had acted throughout the whole of his stay in India upon the most upright principles, and had come home with hands perfectly clean and unsullied. His lordship, from a conviction of the necessity of the measure, had taken the collection and management of the revenues of the Carnatic out of the hands, not of the nabob, but of his agents and usurers, who plundered the natives and robbed him, and had vested both in the hands of the company. This measure the board of control had overthrown by their orders, and directed the collection and management of the nabob's revenues to be restored to him. The fatal effects of the order had spread alarm and terror through the Carnatic, and impressed the council at Fort St. George with so strong an idea of its impropriety, that Lord Macartney went himself to Calcutta, to remonstrate with Mr. Hastings, and to deprecate the consequences. Let the House guess the surprise of his lordship, on finding Mr. Hastings departed for Europe, and a commission there appointing him governor general, a situation it was impossible for him to accept, while the order to restore the collection and management of the Carnatic revenues to the nabob continued in force. How absurd was it to remove the governor general, who recommended the measure Lord Macartney had reprobated, and appoint his lordship to the post of governor general with orders to do, what he himself had found to be equally unwise and mischievous to the interest of the company and the interest of the nabob, and had condemned! Mr. Fox gave the highest encomiums to Lord Macartney, and before he quitted this part of the subject, declared he did not speak from any authority derived from Lord Macartney, nor did he wish to be understood, that what he had said was any thing more than what he, in common with the rest of the public, knew and was acquainted with.

The last point Mr. Fox brought under his discussion was the business of the Irish propositions, respecting which, as he had before observed, he said it was highly necessary that parliament and the public should clearly know what was intended. He reminded the House, that when the subject was first started the right honourable gentleman, in some of the most vehement strains of his all powerful eloquence had condemned the noble lord in the blue ribbon for having given Ireland certain grants, without having first asked her whether they would be acceptable, and for having left matters as they stood, when the propositions were first taken up, the right honourable gentleman having again and again told the

House, 'it was impossible they could remain as they were.' He desired to know what was the true construction and meaning of that part of his majesty's speech then under consideration that mentioned the resolutions, but a declaration to that House, that matters must remain as they were? Mr. Fox dwelt on this for some minutes, and with great force of ridicule animadverted on all that had passed upon the subject, and especially on the language that had been held by the minister and Mr. Dundas, upon the propriety of the line of conduct that had been pursued, in first taking the sense of the Irish parliament in order to ascertain their expectations, before the English parliament were called upon to consider the subject. He urged the flat contradiction that the event of the business had given to all their predictions respecting its success, and stated in strong terms the mischief that he conceived the agitating the matter at all, had done, by disgusting the manufacturers of Great Britain, and teaching them that the House of Commons would disregard their petitions, stating their dread of the mischievous consequences to their several branches of manufacture, were the intended system carried into execution. As the best means of checking the evil, and preventing the effect of having ever entered into a discussion of points, which, he said, he was convinced ought never to have been disturbed or brought before the public, he advised the minister explicitly and unreservedly to declare his determination to abandon all further thought of attempting to carry a measure so odious and detestable in the eyes of the manufacturers and merchants of Great Britain and Ireland. He spoke of the manufacturers in terms of the highest respect, and declared he was satisfied that to their ingenuity and industry, and to their spirit and perseverance, the country owed that exaltation to the state of respect, character, consideration and prosperity, to which its trade, manufactures and commerce, had been raised in the eyes of all mankind. He took notice of the reasoning used by the secretary of state for Ireland in his celebrated letter to his constituents, in recommendation of the propositions, on the ground, that as the British manufacturers considered the grant of the propositions to Ireland to be highly injurious to their interests they must necessarily be advantageous in an equal proportion to the interests of the Irish manufacturers, as an argument perfectly sound and forcible in itself, but as as argument extremely humiliating to the British ministers, and which placed them in a very contemptible light.

After remarking upon this, and a variety of other facts and observations, Mr. Fox briefly recapitulated the heads of his speech, which he admitted was rather a series of reason-

ing against what was out of the speech than against what was in it, and sat down with desiring an explanation of the two main points of the speech to which he had alluded, declaring, that if they were satisfactorily answered, he would give the House no more trouble on that day, though most of the topics he had touched upon, would, he observed, require a full discussion on a future occasion in the course of the session.

In reply to some observations which fell from Mr. Pitt,

Mr. Fox said, that he felt it difficult to avoid smiling at the absurdity of the right honourable gentleman's arguments respecting the accession of Hanover to the Germanic league, as it was obvious that the regency of Hanover ought neither to form laws nor enter into any treaties which might prove injurious to Great Britain; consequently it behoved the ministers of this country to have prevented their entering into any alliances which might involve serious consequences to the interests of England. If Hanover, through this mistaken policy, should sustain a detriment, it naturally followed that Great Britain must become her guarantee. Such was the drift of his argument; and he only had contended that ministers were not warranted, by any plea or pretended exigency whatever, to disable Great Britain from acting subsequently with the Emperor, provided that a co-operation of this nature should appear the most likely to advance the interests of the former. And, surely, the right honourable gentleman would not presume to run lengths to which no former ministers had dared to proceed, and disavow the fullest responsibility for all the counsels which he might give his royal master in his character of elector of Hanover. The right honourable gentleman seemed eager, Mr. Fox observed, to meet his arguments with unjustifiable misrepresentation; and therefore he must desire him to bear in mind, that when he said that he could speak more freely concerning our particular connections with foreign powers than if he were a minister, he did not—in fact, he could not—mean, even in the most distant manner, to drop the slightest intimation that he was more entitled than the right honourable gentleman to utter words, conveying an unpardonable tendency to wound the interests of this country. The fullest scope of his allusion was, that he felt himself warranted to mention France as the natural enemy of Great Britain, in terms more open and unguarded than those consistent with the reserve which, upon principles of decent policy, a minister either was or ought to be, under the necessity of maintaining.—The right honourable gentleman had been pleased to exercise his wonted ingenuity, by putting the case

of two private men engaged upon the settlement of an account, and tracing out the supposed absurdity of contending that they ought to be excluded from all power of giving it a previous discussion. Be the absurdity what it might, he would, with chearfulness, monopolize the whole, and still stedfastly and inviolably embrace his former argument, that in great questions requiring a settlement between two princes, two parliaments, or two powers, considerations and objects would arise of which the discussion could never prove allowable, except under the firmest assurances that both parties were ultimately determined to receive them with unequivocal assent.

The amendment was negatived without a division, and the original address agreed to. On the following day, when the report of the address was brought up,

Mr. Fox rose. He said, that as the observations which he should beg leave to make, bore an affinity to his remarks on the preceding day, they would all lie within a narrow compass. Recent in the memory of the House were his two questions to the right honourable the chancellor of the exchequer. To one of these he had given a precise and clear answer; to the other, he had not spoken in terms equally unambiguous; and as that was a question of infinite importance to the interests of the country, it was his duty to endeavour, if possible, to obtain such an answer as should remove all doubt and difficulty. What he alluded to was, the particular degree in which ministers held Great Britain to be committed, as to any future consequences that might arise from the effect of the league entered into by the Elector of Hanover with the Elector of Saxony, the King of Prussia and other Germanic princes. He was aware, that the right honourable gentleman at the head of his majesty's councils had disclaimed all responsibility for the wisdom and policy of the measure, had stated it to be a separate and distinct transaction from any British concern, and had declared that Great Britain was not committed as to her future conduct, should the league be productive of disturbances in the empire, in which her interests might call her into action. If this was really and truly the case, and Great Britain was not affected at all by the league, the more clearly it was known to that House, to the public, and to all Europe, the better; because, however well we understood the distinction between Great Britain and the electorate of Hanover, as separate states, it was not a very easy matter to teach foreign powers to understand the same discrimination. A variety of possible cases existed in which it would be almost out of the power of this country to adhere

to any such distinction in practice, however clearly it might be defined in theory. It might, hereafter, happen that circumstances would make it an essential policy in Great Britain to join the court of Vienna, and to proceed in counteraction of the league. In that case, as all treaties were offensive in their effect, though nominally defensive, a war between the parties to the league and its opponents might probably arise. Granting the likelihood of such a war, could the British troops act against those of Hanover? Or, to make the case stronger, and yet to put a possible case, suppose the Elector of Hanover were to head his troops in person, (and they were all aware that it was not a new thing for an Elector of Hanover to take the command in the field,) who would say that the British army could be directed to act hostilely against troops led by their sovereign in the character of Elector of Hanover? The supposition teemed with the grossest absurdity, and it was to shew the extraordinary predicament into which the Elector of Hanover's becoming a party to a league of the nature in question, and without the advice of a minister responsible for his conduct to that House, might draw Great Britain, and involve its interests, that he brought forward such unaccountable cases. One historical example would strengthen the argument which he had used, and prove beyond all doubt the mischiefs to which this country was liable to become exposed, by considering herself as wholly independent of the interests of Hanover. The case to which he alluded, was that of George the First, who, by his treaty with Denmark for the sale of Bremen and Verden, drew down upon him the vengeance of Sweden; and the consequence was, that this country had been threatened with an invasion, the most alarming, and the most dangerous to the liberties of Englishmen, of any it ever had occasion to expect. General Stanhope, at that time the minister of the crown, had, when the treaty was first heard of, come down to that House, and used precisely the same sort of language as that uttered by the right honourable the chancellor of the exchequer on the preceding day. He had talked of the separate and distinct interests of Great Britain and Hanover, and had said, that the British parliament had nothing to do with the conduct of his majesty respecting his electoral dominions. But what was the consequence? The very next year, General Stanhope, who held this language, came down to the House, and urged the expences which his majesty had incurred on account of his purchase as a plea for calling for additional supplies. If the matter were not now fully and clearly ascertained, so that foreign powers, as well as that House, might be certain that Great Britain was not committed as to any part which her

policy might dictate to her as most advisable to pursue hereafter, in the case of a war in Germany, the right honourable gentleman, who had on the foregoing day disclaimed all responsibility for the wisdom and policy of the measure in question, might come down to the House, on a subsequent occasion, and make that very measure, respecting which the British parliament was excluded from all inquiry and control, the ground of an application for additional supplies. Mr. Fox concluded, by observing, that he never spoke concerning a point of state with less reluctance, persuaded that, on the present occasion, he neither divulged a secret, nor gave the slightest wound to the security and interests of the nation.

Mr. Burke's Accusation of Mr. Hastings.

February 17.

On the first day of this session, Mr. Burke was called upon by Major Scott, the agent of the late Governor-general of Bengal, to produce the criminal charges against Mr. Hastings in such a shape as might enable parliament to enter into a full discussion of his conduct, and come to a final decision upon it. On Friday, the 17th of February, Mr. Burke brought this subject before the House of Commons: after desiring the clerk to read the 44th and 45th resolutions of censure and recal of Mr. Hastings, moved by Mr. Dundas on the 29th of May 1782, he said that he entirely agreed in opinion with the friends of that gentleman, that the resolution which had been read should not be suffered to remain a mere calumny on the page of their journals; at the same time he lamented that the solemn business of the day should have devolved upon him by the natural death of some, by the political death of others, and in some instances by a death to duty and to principle. It would doubtless, he said, have come forward with much more weight and effect in the hands of the right honourable gentleman who had induced the House to adopt those resolutions, or in those of another gentleman, who had taken an active part in the select committee, and then enjoyed a confidential post in the Indian department, the secretary of the board of controul; but as he could not perceive any intentions of the kind in either of those members, and as he had been personally called upon, in a manner highly honourable to the party interested in the proceeding, but in a manner which rendered it impossible for him not to do his duty, he should endeavour to the best of his power to support the credit and dignity of the House, to enforce its intentions, and give vigour and effect to a sentence passed four years ago; and he trusted that he should receive that protection, that fair and

honourable interpretation of his conduct, which the house owed to those who acted in its name, and under the sanction of its authority. — Having endeavoured upon this ground to remove the odium of appearing a forward prosecutor of public delinquency, Mr. Burke called back the recollection of the House to the several proceedings which had been had in parliament respecting the mal-administration of the company's affairs in India, from the period of Lord Clive's government down to the reports of the secret and select committees, the resolutions moved thereupon, and the approbation repeatedly given to these proceedings by his majesty from the throne. — It was upon the authority, the sanction, and the encouragement thus afforded him, that he rested his accusation of Mr. Hastings, as a delinquent of the first magnitude. — After going through an infinite variety of topics relative to this part of his subject; he proceeded to explain the process which he should recommend to the house to pursue. There were, he observed, three several modes of proceeding against state-delinquents, which according to the exigencies of particular cases had each at different times been adopted. The first was to direct his majesty's attorney general to prosecute; from this mode he acknowledged himself totally averse, not only because he had not discovered in the learned gentleman, whose respectable character and professional abilities had advanced him to that high official situation, that zeal for public justice in the present instance, which was a necessary qualification in a public prosecutor; but more especially, because he thought a trial in the court of king's bench, amidst a cloud of causes of meum and tuum, of trespass, assault, battery, conversion, and trover, &c. &c. not at all suited to the size and enormity of the offender, or to the complicated nature and extent of his offences. Another mode of proceeding occasionally adopted by the house was by bill of pains and penalties; this mode he also greatly disapproved of, in the first place, as attended with great hardship and injustice to the party prosecuted, by obliging him to anticipate his defence; and secondly, as putting the house in a situation which, where the nature of the case did not absolutely require it, ought carefully to be avoided, that of shifting its character backwards and forwards, and appearing in the same cause one day as accusers, and another as judges. — The only process that remained, was by the ancient and constitutional mode of impeachment; and even in adopting this process he should advise the House to proceed with all possible caution and prudence. It had been usual, he observed, in the first instance, to resolve that the party accused should be impeached, and then to appoint a committee to examine the evidence, and find the articles on which the impeachment was to be founded. This mode of proceeding had, from the heat and passion with which the minds of men were sometimes apt to be inflamed, led the house, on more than one occasion, into the disgraceful dilemma of either abandoning the impeachment they had voted, or of preferring articles which they had not evidence to support. In order to steer clear of this disgrace, he should move that such papers as were necessary for substantiating the guilt of Mr. Hastings, if guilt there was, should be laid before

the House; and that these papers, together with the charges extracted from them, should be referred to a committee of the whole House, and evidence examined thereon: if the charges should then appear, what he believed they would be found to be, charges of the blackest and foulest nature, and supported by competent and sufficient evidence, the House would then proceed with confidence and dignity to the bar of the House of Lords.—Having stated these matters with great precision, Mr. Burke went into a series of reflections on the nature of the office he had undertaken. Every accuser, he said, was himself under accusation at the very time he accused another; it behoved him to act upon sure grounds, and he had therefore chosen the line of conduct he had just explained, as being at the same time the most effectual for the purposes of public justice, and the least exposed to the danger of error: he urged the unavoidable necessity of making the enquiry personal; he asked what would be the sentiments of the miserable and oppressed natives of India, if the result of the proceedings in that House should be to find that enormous peculation existed, but that there was no peculator; that there was gross corruption, but no person to corrupt, or to be corrupted; that a torrent of violence, oppression, and cruelty, had deluged that country, but that every soul in it was just, moderate, and humane? To trace peculation to the peculator, corruption to its source, and oppression to the oppressor, had been the object of the researches of the several committees that had been instituted at different times by the House; and the result was, they found that government in India could not be foul and the governor pure. After a speech of considerable length, in which these and many other topics of the same nature were urged with great force and perspicuity, Mr. Burke concluded, by moving, "That there be laid before the House, copies of all correspondence, since the month of January 1782, between Warren Hastings, Esq., governor general of Bengal, and the court of directors, as well before as since the return of the said governor-general, relative to presents and other money privately received by the said governor general."—The reflections thrown out by Mr. Burke, relative to the resolutions of the secret committee, and the conduct of Mr. Dundas, called up that gentleman to justify the part he had taken. He acknowledged that he undoubtedly was the person who suggested the resolutions alluded to, and he had not the smallest scruple to admit that the same sentiments that he entertained respecting Mr. Hastings at the time of proposing those resolutions, he entertained at that moment; but would any one contend that those sentiments went so far as to suppose Mr. Hastings to be a fit object for a criminal prosecution? The Resolutions went to the recal of Mr. Hastings, a matter which he at the time thought expedient, and had recommended it to the House as a matter of expediency only. He thought the conduct of Mr. Hastings, since the period to which those resolutions referred, not only not criminal, but highly meritorious, and he had for that reason approved of the vote of thanks which the court of directors had conferred upon him. As soon as Mr. Dundas had sat down,

Mr. Fox rose, and declared, that he had not the smallest idea of speaking during the course of the debate, nor would he have troubled the House, had not some observations fallen from the right honourable and learned gentleman, under which it was impossible for him to remain a moment silent. The only way in which he could meet the matter, was to oppose assertion to assertion; and to declare upon the word and honour of a gentleman, that if, in talking of the thirty-six writers sent out in 1783, when Sir Henry Fletcher sat at the head of the board of East India directors, and when he had himself the honour to be in administration, the right honourable and learned gentleman meant to insinuate, that he had been concerned in sending out any, he was completely and perfectly mistaken. In the whole course of his life, he never had sent out, or rather procured to be sent out to India, but one single writer, and that was at the time when the Earl of Shelburne, now Marquis of Lansdown, presided over his majesty's councils. That, upon his word of honour, most solemnly pledged to the House, had been the only writer for whom he had ever procured a recommendation and succeeded. Indeed, if the House would recollect a little, it was not very likely, that the administration in which he had the honour to be, should stand remarkably well with the board of directors, as it was well known what their intentions were at the time, with a view to effect a reform of the company. Mr. Fox added, that he considered it right to say thus much in consequence of the insinuation of the right honourable and learned gentleman, and the manner in which it had been conveyed to the House.

Previous to his sitting down, he should beg leave briefly to touch upon the consistency of the right honourable and learned gentleman, who, when hard driven to the point, and obliged, as it were, to defend his own conduct, had done that, which heaven knew the right honourable and learned gentleman could do at all times, with his opponents face to face, let the argument bear as much as it would against him! But what sort of a defence had the right honourable and learned gentleman made? He had been reduced to the necessity of admitting, that he at one time entertained an opinion that Mr. Hastings, with respect to certain points, proceeded in a manner highly culpable; nay, he added, that he was still of the same opinion, although almost in the same breath, certainly in the same speech, he had declared that he entertained a high opinion of Mr. Hastings, and praised his conduct as warmly in the latter part of his observations, as he had abused it in the former part. And what points had the right honourable and learned gentleman chosen to select as the points in which he considered Mr. Hastings as having

been highly culpable? Merely the two points of the Rohilla war, with the breach of the treaty of Poorunder, and in having introduced expensive establishments in India. Gracious heaven! did the whole idea which the right honourable and learned gentleman entertained of the culpability of Mr. Hastings amount only to this? Had the House heard nothing of Corah and Allahabad? Of Cheyt Sing? Of the Begums? And of all the long catalogue of crimes committed in India, to the infinite disturbance of the peace of the country, to the misery and even butchery of the natives, to the destruction of all confidence in British faith, and to the everlasting disgrace of the British name and character in Hindostan?

Mr. Fox now read the resolution immediately preceding that in which the House resolved, in 1782, that Mr. Hastings and Mr. Hornby should be recalled, and appealed to every man of common sense, whether that marked and strong censure did not go immediately to Mr. Hastings and Governor Hornby? It was not in language to express disgrace more strongly than to declare that the delinquents ought to receive some mark of parliamentary displeasure. Certainly these two resolutions, and the obvious construction of both, with the vote of recall passed at the India house, in which Governor Hastings was permitted to resign in consequence of his long and meritorious services, was not a little strange. How was this mode of recall to be reconciled to the resolution which stigmatized Mr. Hastings, and declared it as the opinion of the House that he deserved some mark of parliamentary displeasure? Was it not a contradiction insulting to that House, and inconsistent to a shameful degree? The right honourable and learned gentleman thought proper to declare that he would not have sheltered himself under a minute of the board of directors, but that had he been a director, he would have signed that minute likewise; and, therefore, the right honourable and learned gentleman, who had himself prevailed upon the House of Commons to resolve in a grave and phlegmatic form, but in strong and energetic phrase, that Governor Hastings deserved parliamentary censure, would have given that gentleman thanks for his long and meritorious services! What egregious inconsistency! For the word "long" in the minute of recall, undoubtedly comprehended the whole of the services of Mr. Hastings, as well those before 1782, as those subsequent to this period. During the debate, his right honourable friend who commenced it, had been censured by a worthy alderman (Le Mesurier) for his supposed remark in respect to trial by jury. The worthy magistrate had misunderstood his right honourable friend, who had not expressed any disapprobation of the general principle of trials by jury,

but merely observed, that the cause under consideration was of too much magnitude for the cognizance of the court of King's Bench, and had proposed to appeal to a tribunal and a form of trial as ancient as the constitution itself, of which it was a part. Thus had his right honourable friend evinced, that the highest species of offenders might be brought to trial, without resorting to any novel experiment on the constitution, but in a manner conformable to usage, and before an ancient, legal, and constitutional tribunal. All this amounted to one powerful proof, that the new court of judicature, which took away the birth-right of Britons, made that evidence that was not evidence before, and obliged criminals to accuse and to convict themselves, was not only a tribunal unconstitutional in its origin and its principle, and tyrannical and oppressive in its practice, but altogether needless.

The question being carried, Mr. Burke proceeded to move for a variety of other papers, which he alleged were necessary for the prosecution of the cause he had undertaken. These motions produced much conversation, and, towards the close of the day, there appeared some hesitation in the ministers of the crown, whether it would be proper to produce whatever papers might be called for on the mere suggestion of the mover, without insisting upon his stating to the House the connection they had with the matters contained in the reports of the committees, beyond which they did not think he ought to go in the matter of his intended accusation. At this stage of the business the House adjourned at one o'clock, on account of the illness of the speaker; and the day following the conversation was renewed, upon a motion for papers relative to the affairs of Oude. Major Scott agreed with Mr. Burke, that the papers were necessary to be produced; and Mr. Pitt, after many professions of the most unbiassed impartiality, concurred with them; remarking at the same time, that it would be but fair and candid in the right honourable mover, to give the House some specific information of the subject matter of his charges, and to state the grounds and reasons for the production of such papers as he might think it necessary to call for in support of them. In compliance with this request, Mr. Burke read to the House a short abstract of the several charges which he designed to bring forward; and pointed out the matters which the several papers, he afterwards moved for, were intended to explain and substantiate.

March 3.

On the 3d of March, Mr. Burke moved, "That there be laid before the House, copies or duplicates of all papers relative to the last peace with the Mahrattas, or any demand made by the Mahrattas concerning the cession or restoration of any territories now in the possession of the company, or its allies, or of the payment of any chout (or fourth part of the revenues), or of any sum in

lieu thereof, or concerning any payment of money, or loan, to any of the said Mahrattas, made or paid since the 1st of January, 1779." This motion was opposed by Mr. Pitt and Mr. Dundas, on two grounds; first, that the treaty in question was a wise and salutary treaty, and had saved the British empire in Asia; and, secondly, that the production of the papers moved for would discover transactions relative to that peace, which ought to be kept a secret from the country powers in India, insomuch as it would disclose the means by which the several states that were confederated against England were made jealous of each other, and the intrigues by which they were induced to dissolve that confederacy.

Mr. Fox rose, and desired to be favoured with a serious answer to this necessary question, whether the professions of a determination to persist in a refusal of the papers were actually sincere? Surely there was nothing in the rule of conduct which the gentleman of the other side laid down for themselves that did not argue most powerfully and convincingly for their production. If a specific purpose was necessary to be mentioned, and the object of the motion requisite to be explained, there was a pointed and specific charge in the treatment of the Ranna of Gohud, who was allowed, and indeed mentioned in former treaties, as the ally and friend of Great Britain, and neglected in the general peace which terminated the Mahratta war. This was the fact, as it appeared uncontradicted, and the House ought surely to inquire whether such desertion of the friends of this country was justifiable in the governor general. To withhold any information on this subject would be not only unjust to Mr. Hastings, who was accused, but indecent to the House, whose honour was so much concerned in the full and rigorous examination of such a conduct. There was no behaviour whatever which would operate more injuriously to the British interest, either in this or any other quarter, than to find that its friendship was no protection to its allies. An unwarranted desertion, if such it could be proved, must certainly be considered as a great misdemeanor; and nothing was more necessary either to the character or vindication of the person accused, than to explain the grounds on which he was justified. There might possibly exist a plea of necessity for this proceeding, and, for the present moment, he would admit that it did exist. But when there was a certain assurance that the allies and defendants of Great Britain had been abandoned by her in a negotiation, there was a crime *primâ facie* evident, and the proceedings in that negotiation should certainly be laid before the House, in order to convince them of that necessity. It would be very unfair, and indeed very improper, if gentlemen

should have these feelings barely when their own honour or their own characters were at stake, and seem wholly unconscious of them, when the question was against the character of others. Thus the ministers of the time, when the late peace was concluded, knew the defection from the loyalists to be a conduct so much in need of justification, that they very decently came down to the House, in order to excuse themselves on the ground of necessity. Whether such necessity existed, it was not for him to discuss; but the means of inquiry on the subject were undoubtedly open. Why not, then, pursue the same line of conduct on the present occasion, when positive and direct charges were brought against the measure? If motives of necessity recommended the treachery, why was that necessity not explained? And if principles of policy dictated the conduct, why was not that policy made known? It was indeed alleged, that the interests of the country might be endangered by the disclosure which the papers would make: but in our constitution there were both advantages and defects, and the same must also be true of every other constitution and species of government. We, however, were of opinion, that the advantages which we constitutionally possessed by far outbalanced the disadvantages, and it was one of the leading principles, to prefer the responsibility which belonged to our officers and ministers to the secrecy which was deemed so necessary in other countries. Supposing, then, (for he was far from admitting it,) that some injury might be apprehended from the production of these papers, it was only the necessary consequence to which every investigation was liable; and there could be no inquiry of a public nature, in which circumstances did not come out which might better have remained a secret. The House, then, would do well to reflect what a precedent they were laying down, for future public officers to take advantage of. For if this excuse should once be admitted, there was no circumstance, and no situation, to which it would not be found to apply. A right honourable and learned gentleman (Mr. Dundas) had, on this, as well as a former night, endeavoured to play off the conduct of Mr. Hastings, posterior to the reports of the committee, against the delinquency of his former measure, to which the right honourable and learned gentleman had himself borne such full and ample testimonies in the course of those reports. But what was the meaning of this language, or what other sentiment did it express but this? "I think his conduct since that period laudable and good, and I wish you to think so with me; but, in the mean time, I am resolved that you shall have no reason to think so beyond my assertion, and I will deny you the information which is

necessary to convince you of it." Sufficient had been the remarks of his right honourable friend, Mr. Burke, to prove, that not even the most trivial cause existed for those apprehensions of danger which gentlemen on the other side of the House, for reasons best known to themselves, thought proper to express; and therefore he trusted that the House would call for arguments less frivolous, before they gave their sanction to the withholding of the necessary papers.

Mr. Pitt, in the course of his speech, reminded the House, that the policy of Mr. Fox, at a period when this country was labouring under the pressure of a war against combined and powerful foes, was to detach a part of that confederacy. In answer to which,

Mr. Fox said, that he felt it necessary to bring into clearer points of view some allusions started during the course of the debate, and which had even been touched upon beyond the walls of parliaments, relative to his negotiation for a separate peace with Holland. He was well aware that the right honourable gentleman did not mention it by way of blame, nor did he wish to impute to him any such intention; but as it had so often been glanced at, he was glad to have the opportunity of speaking two or three words to it in this public manner. He was sorry that the House was so thin of members, but he was pleased to see so full a gallery. When this measure, of detaching Holland and America from the confederacy which was formed against us, was first proposed, he had been only three days in office, and consequently was obliged to meet those people in the cabinet from whom he was accustomed to differ upon political subjects; and yet,—what was a circumstance that did not often happen,—he had the honour to propose that measure with the unanimous concurrence of all his majesty's cabinet ministers. This he thought himself at liberty to mention, because, though it might be improper to state the dissensions or disagreements in the cabinet, there would certainly be no impropriety in mentioning their unanimity. He would farther observe, that this policy was by no means ineffectual as to some of its objects, though, in others, it certainly had not the wished-for success: for those gentlemen who were then in office might well recollect, that the disposition of some courts in Europe was not then extremely favourable to this country, and that the measure now alluded to had at least the effect of averting those consequences which might otherwise have been apprehended.—Having said this much for the allusion, he would next return to the propriety of admitting the present papers. He observed, that it was expressed in the treaty subsisting between the company and the

Rauna of Gohud, that he was to be protected by the powers of Great Britain against their mutual foes. In consequence of which, he had lent his services during the war, and was to have been, of course, included in the peace. There were also, according to Mr. Hastings's own letters, several other rajahs and princes who had the same, or similar, claims upon the protection of Great Britain; and yet it appeared from the Mahratta treaty of peace, that none of them were included in the provisions of it. This was not the time to argue from what motives, or upon what policy this was done. But the omission was *prima facie* evidence either of treachery or guilt, to obviate, or to substantiate which, was the object of the present motion, and was, in his judgment, a debt claimed as well by the justice due to the sufferers in India, as to the dignity of parliament and the acquittal or condemnation of Mr. Hastings. He agreed that it was not sufficient ground for the production of all papers, to say that one gentleman was the prosecutor, and would pledge himself to prove their application to the object in view. But, in the present case, the production of the papers could not be followed by any political peril whatever, and the strongest reasons existed in favour of the disclosure of their contents.

Major Scott observed, that the difference now subsisting between Mr. Fox and Mr. Hastings was not greater than that which formerly prevailed between him and his noble friend Lord North; nor were his charges more severe against the one than the other. In all the proceedings against Mr. Hastings, and amidst all the abuse poured out against him, the Major said he had never entertained the smallest apprehensions, nor ever made any overtures of accommodation. On the other hand, when the right honourable gentleman brought in his India bill, an intimation was given, in a private conversation which he had with a person of authority, that matters might be accommodated; and he made no doubt, had Mr. Hastings then come home, he would have heard nothing of all this calumny, and all these serious accusations! As soon as the Major sat down,

Mr. Fox immediately rose, and said, that, on a subject which concerned his honour and character, he would not hesitate a moment to offer himself again to the House. He would first premise, that at no period could he declare that offers were made to him, either by Mr. Hastings or his agents, in order to bring about an accommodation; for if there had, he would instantly have treated them with the most absolute and marked refusal. At the same time he would assert, upon his honour as a gentleman, that no proposal whatever was made to Mr. Hastings or his friends, with either his knowledge or his concurrence; and he was also certain that no such proposal

ever came from any of his colleagues. So that whoever made, or even hinted at such an offer as coming from him, did it without the smallest shadow of authority. In private conversations with his friends it had been frequently suggested by them, that Mr. Hastings being a very powerful man, it might make the India bill go down the easier, if the idea of prosecuting that gentleman was given up: but he had always resisted such advice; and, indeed, so determined was he, to have the governor-general brought to trial, that in his opening speech on his India bill, he had dwelt so much upon the mal-administration of Mr. Hastings, that many of the enemies to that bill had objected to him, that there seemed to be no other remedy necessary for the evils in India, than the recal of Mr. Hastings.

The House divided on Mr. Burke's motion:

	Tellers.			*Tellers.*	
YEAS	Sir James Erskine Mr. Francis	44.	NOES	Mr. Eliot Mr. Rose	87.

So it passed in the negative.

March 6.

This day Mr. Burke moved, "That there be laid before this House, copies or duplicates of all consultations, instructions, and other correspondence, relative to any negociation at the court of the great mogul, wherever residing, concerning any treaty with the said mogul or concerning any of the ministers of the said court, or any of the chiefs in the neighbourhood of Delhi, or relative to any claims or demands for, or on behalf of, the said court, upon the East India company, since the 1st day of January 1781."—Mr. Pitt refused to comply with the motion, as tending to affect the policy of India, by opening the secrets of negociations in that country, which the peace and tranquillity of Hindostan rendered absolutely necessary should remain undivulged. After a short debate the motion was rejected, on a division, by 88 against 34. A motion being immediately afterwards made for "a copy of a letter from Major James Brown to Warren Hastings, Esq. governor-general of Fort William, dated from Delhi, on the 30th of December 1783; also copies of two letters from Warren Hastings, Esq. to the court of directors of the East India company, dated the 30th of April and 16th of June 1784,"

Mr. Fox rose and remarked, that if the papers stated in the question were refused, there was an end of asking for papers, however material to the prosecution those papers might be, and however free from any imputation of being dangerous or likely to affect the policy of India. He could not believe, however, that his majesty's minister would go the length of

refusing the three letters in question. If he did, what a shameful fact would it establish! For would it not then appear in broad and striking colours, that a right honourable and learned gentleman had persuaded that House to vote a number of strong resolutions, to not one of which he meant that they should ever give force and efficacy? Of the papers now called for, the House could already perceive the tendency, since, in the preceding debate, they had heard the most material passages read and argued on. They must, therefore, be aware, that no harm whatever could arise from making them public: he and his friends had duplicates of them already in their possession, and were perfectly masters of their contents. In refusing to let them formally be laid upon the table, the other side of the House would stand without excuse. Mr. Fox contended that it was, in his mind, impossible that they should do so. If they did, and pleaded that their granting the papers would affect the policy of India, he must declare, that ever since he sat in parliament, he never had witnessed so disgraceful a conduct. His comfort, nevertheless, would be, that, however the minister might withstand every individual motion for papers, and prevent any thing like evidence from being obtained, and however he might rely on the power of his majorities in that House, there was another tribunal to which he must go for trial, the tribunal of the public, who would judge for themselves. The right honourable gentleman might be assured, that, though that House would rest content, the honour of the nation would not be satisfied, nor would the people be pleased at seeing their representatives act in a manner so disgraceful to themselves, and so foreign to the purposes of substantial justice.—What a precious farce, exclaimed Mr. Fox, is daily acting within these walls! We see the friends of Mr. Hastings affecting to be eager that every paper called for should be granted: we see the king's ministers rising to declare that every thing that can properly be granted shall not be refused: we hear other gentlemen, who call themselves independent men, saying, by all means let the House know the whole, and be put in possession of every necessary species of information; and yet we see the same men all of them dividing together to enforce a negative to a motion for such information, and we see them helping each other out with hints and whispers during the debate, and pointing to matters apposite to the argument on their side the question, in like manner as my right honourable friend and myself would assist each other when we are maintaining the same point and arguing for the same purpose!

The motion was negatived.

March 17.

Previously to his troubling the House on the subject which he wished to bring under their consideration, Mr. Fox moved, "That the entries in the journal of the House, of the 28th day of May, 1782, of the six resolutions reported from the committee of the whole House, to whom it was referred to consider farther of the several reports which had been made from the committee of secrecy, relating to the affairs of the East India company, and which were then agreed to by the House, might be read." And the same were read accordingly, as follows:

Resolved, "That the orders of the court of directors of the East India company, which have conveyed to their servants abroad a prohibitory condemnation of all schemes of conquest and enlargement of dominion, by prescribing certain rules and boundaries for the operation of their military force, and enjoining a strict adherence to a system of defence upon the principle of the treaty of Illahabad, were founded no less in wisdom and policy than in justice and moderation."

"That every transgression of those orders, without evident necessity, by any of the several British governments in India, has been highly reprehensible, and has tended, in a chief degree, to weaken the force and influence, and to diminish the resources, of the company in those parts."

"That every interference, as a party, in the domestic or national quarrels of the country powers, and all new engagements with them in offensive alliance, have been wisely and providently forbidden by the company in their commands to their administrations in India."

"That every unnecessary or avoidable deviation from those well-advised rules should be followed with very severe reprehension and punishment for it, as an instance of wilful disobedience of orders, and as tending to disturb and destroy that state of tranquillity and peace with all their neighbours, the preservation of which has been recommended as the first principle of policy to the British government in India."

"That the maintenance of an inviolable character for moderation, good faith, and scrupulous regard to treaty, ought to have been the simple grounds on which the British government should have endeavoured to establish an influence superior to that of other Europeans over the minds of the native powers in India; and that the danger and discredit arising from the forfeiture of this pre-eminence, could not be compensated by the temporary success of any plan of violence or injustice."

"That as an essential failure in the executive conduct of the supreme council, or presidencies, would make them justly liable to the most serious animadversions of their superiors, so should any relaxation, without sufficient cause, in these principles of good government, on the part of the directors themselves, bring upon them, in a heavier degree, the resentment of the legislative power of their country, which alone can interpose an effectual correction to the general misrule."

"That it appears, that the government general had been previously in possession of a letter from the duan of the rajah of Berar, containing overtures for mediation for peace and alliance with the peshwa; and that this material information was wholly suppressed by them in their dispatches to the court of directors; but a copy of it was sent, by the same conveyance, to the private agent of Mr. Hastings; and that, thus neglecting to make immediate communication to the court of directors of such important intelligence, the government general appear to have failed in an essential part of their duty."

These Resolutions having been read,

Mr. Fox rose and observed, that he was perfectly convinced, that, previously to all endeavours for the successful introduction of a motion for papers, effectually and substantially, although perhaps not formally similar to that which, during the course of a preceding debate, received the investigation, and—with concern he spoke it—suffered under the dissent of the House, an apology was due to them upon the principle that it must always prove indecent frivolously to trespass upon their attention. But if he ever had reason to be dissatisfied with the decision of that House; if he ever thought a motion of the first importance to the honour and dignity of the House required a re-consideration, it was the motion for the Dehli papers; and that, because the decision the House had come to when they negatived it, had proved a decision in the teeth of the resolutions just read, and in defiance of every sound and solid argument advanced in support of those resolutions. It was, therefore, for no light or trivial purpose that he again begged the House, for the sake of its dignity, for the sake of its own honour, for the sake of national justice and national character, to re-consider what they had decided upon, and, before they confirmed a denial of the Dehli papers,—which denial, it appeared to him, they could not confirm, without loading themselves with disgrace and impeaching their own honour and dignity—to weigh well what they were about, to reflect a little on the frivolous point of view in which such an illjudged confirmation would place their own resolutions, and the effect which it must necessarily have upon the conduct of the company's servants in India. He begged them also to recollect, that in passing the resolutions of the 28th of May, 1782, they had held out to the country powers of India a code of wise, wholesome, and salutary laws, as the basis of the conduct of the British government in India in future; and that the House had, in fact, pledged itself to adhere to the letter and spirit of their own resolutions.

These were surely great and important considerations, considerations which ought to have a deep effect on the minds of gentlemen before they gave a vote, which must involve in it so

many and such interesting consequences. Some persons had supposed that our government and constitution were attended by certain disadvantages with respect to their intercourse with foreign states, arising from the public manner in which many important parts of our administration must necessarily be conducted; but from this evil, if an evil it was, a most important good would be found to result, when it was considered how far this publicity tended to create a confidence in all other nations, and how strongly it contributed to bind us to certain defined and specific modes of political conduct. From hence it arose, that we could lay down (as we had done in the present instance) a particular system of proceeding, for the due observance of which all those states might reasonably look to us; an advantage not in the power of any arbitrary government whatever; for if a king were to issue an edict, setting forth the principles by which he intended to conduct himself with respect to foreign nations, it would be received only as a notification of the will of the minister of the day, who, by death or disgrace, might lose his situation, and leave room for a successor of different sentiments, who, of course, would pursue a different line of conduct; whereas, with us, when the British House of Commons published a system of foreign administration, they not only committed the whole nation in the persons of their representatives, but absolutely bound individually, as well all those who had already been ministers, and had a prospect of being so for many years to come, as those who were so for the present.

That he might, if possible, still more impress the House with a proper idea of the magnitude of the duty which they had engaged to perform, when they voted the resolutions of 1782, he should not hesitate to describe them as measures of a strong nature, and affording, he believed, the first instance of that House thinking that it became them to depart so far out of their immediate province, as to interfere with any part of the exercise of the executive government; a circumstance which they certainly would not have consented to, but from the extraordinary complexion of the case which seemed to call for peculiar notice and a peculiar mode of proceeding.

Having premised these observations, Mr. Fox entered into a discussion of the principles on which the House usually called for papers, declaring that they never did it lightly, and being conscious that they ought not to do it lightly, he never had, nor would attempt to move for any that he was not convinced were absolutely necessary for some great and useful public purpose. The House, he was aware, ought not to grant any other; and, it was true, he was willing to admit, that papers necessary for some great and useful public pur-

pose might be called for, the producing of which might, nevertheless, be attended with mischief to the state, of such a dangerous tendency, as would more than overbalance the good that might arise from the purpose being answered for which they were moved, and which, therefore, afforded his majesty's ministers sound and cogent reasons for refusing them; and, under such circumstances, it was undoubtedly their duty to refuse them. But though he was ready to admit this, yet he held, that in all such cases the refusal ought not to rest solely on the bare *ipse dixit* of a minister; that many questions of confidence might, it was true, be agitated, on which a minister's word ought to be taken; but then, something, at least, ought to be stated, in order to convince the House that mischief might arise if the motion were complied with.

In regard to the motion in question, the motion with which he should conclude what he had to say, for the Delhi papers, it had been on a former day stated by his right honourable friend, the avowed accuser of Mr. Hastings, that those papers were material to the matter in charge, and therefore they had been called for; but, material as they were, if they were not granted, his right honourable friend had declared, he already was in possession of sufficient materials to prove and make good every thing that he had said at various times respecting the delinquency of the late governor general of India: his character, therefore, was safe, and on shore. This, Mr. Fox said, which he was satisfied was perfectly true in respect to his right honourable friend, he wished was equally true in respect to that House. He wished that House to be on shore, and its character safe; and therefore it was, that he should again call for the papers.

But before he did so, let the House recollect upon what ground the papers had been once refused. It had been stated by the right honourable gentleman opposite to him, that the papers were not essential to the charge against Mr. Hastings; that they proved nothing, Mr. Hastings not having authorised Major Brown to enter into a treaty with the shah; and, thirdly, that they involved in them secrets respecting the negociations that had during the war been carried on in India, the divulging of which would tend to disturb the tranquillity of the respective powers concerned in those treaties, and to induce consequences that might be attended with danger to the British state.

For his own part, he was confident that he should not experience much difficulty in proving that these grounds of denial either did not apply, or were not sufficiently material to justify withholding the papers; and to establish his posi-

tion he might venture to rest much of his reasoning on the letters of Major Brown to Mr. Hastings. It was manifest that a treaty of offensive alliance had been negociated with the mogul, which was directly contrary to the express resolution of that House. It was manifest, from Major Brown's letter, that Mr. Hastings had authorised that negociation, and that, in Major Brown's opinion, good faith, morality, and justice, required that assistance should be afforded the mogul, in compliance with the terms of that treaty. The emphatic words of Major Brown's letter were, "we have offered to treat; he has accepted: we have annexed conditions, he has approved of them." These words proved incontestably, that the treaty commenced by voluntary offer on our part; and the subsequent words in which Major Brown in his letter proceeded to urge Mr. Hastings, for the sake of the good faith, morality, and justice of the British nation, to send troops to the assistance of the mogul, to lay siege to certain districts of country, in order to drive out the inhabitants, and to give the lands to the troops for their subsistence, proved equally forcibly that the treaty was a treaty of offensive alliance. It was evident that the resolution of the House had been trampled on and contemned by Mr. Hastings in this instance; and it was more than matter of suspicion that the treaty was never intended to have been concluded when it was begun.

When, during the former debate on the same subject, he was complaining that the resolution had been infringed by Mr. Hastings, who began to negociate a treaty of offensive alliance, the right honourable the chancellor of the exchequer had thought proper to say across the House, "a treaty never completed:" he therefore must beg leave to know whether he was to understand from those words that it was taken as a merit that the company's servants in India got into this dilemma. They had violated the resolutions of the House by commencing a treaty, which local or temporary policy might appear to make it expedient to commence, and then they had violated the national faith by deceiving the mogul, and refusing to conclude the treaty so commenced; thus proving to the princes of Hindostan how little security was, on the one hand, afforded them by the code of laws held out to them in the resolutions of the British House of Commons, and how little safety was, on the other hand, to be acquired by entering into treaties of alliance with the British government in India.

He felt himself thoroughly justified in contending that, in spite of any narrow principle which temporary distress or local circumstances might seem to call for, such as keep-

ing the mogul out of the hands of the French, or of Tippoo Sultan, it ill became a nation of great weight and character, like Great Britain, to depart from general systems, founded in wisdom and in justice, for any such petty considerations; that if such narrow policy were to justify a departure from a great parliamentary system, there was an end of the utility of laying down a code of laws, to be made the foundation of a government, of simplicity, of publicity, and of good faith. In fact, the whole of the negociation had been secretly carried on by Mr. Brown, as the agent of Mr. Hastings.

With respect to the ground of refusal of the papers, on the plea that their production would betray some secrets of negociation, the divulging of which might disturb the tranquillity of the powers of Hindostan, and prove dangerous to the safety of the state, he must candidly confess that it was most difficult to meet it with any argument, the other side of the House having given him so little to lay hold of, and not having said enough to enable him to guess even at what the danger could possibly be which would arise, were the state secrets, which they so much dreaded to lay open, to become divulged. Situated, however, as he was in these respects, he could, without hesitation, declare, that no government secret of any kind could justify the withholding papers which were to enable the House to support and substantiate the resolutions to which they stood solemnly pledged. For what was it but to say to the princes in India, "We know our servants have committed delinquencies, and we are convinced that they have broken faith with you; but we must not inquire into their conduct, because that would betray state secrets, that would develope state mysteries, which must be kept sacred!" Would not every man in India laugh at so absurd a reason for refusing to do justice? Would it not plainly appear that the board of control, and that House, were following the exact steps of the old boards of directors? That they were laying down complete systems of ethics in their orders and resolutions, but refusing to take the only means possible to enforce their performance? The effect of such conduct was too manifest to need illustration. Instead of reformation in India, it would encourage abuse, and increase delinquency; the board of control and the House of Commons would be answerable for having suffered the company's servants, employed in the government of India, to believe themselves secure from inquiry, and safe from punishment. What was it but to put it in the power of a minister to interfere in every investigation, and, by his single *veto*, put a stop to the process, and defeat the aim of that House in the

exercise of its first great constitutional character — that of the grand inquest of the nation? Armed with such a power, to what lengths might not a minister proceed? Every criminal, however notorious his delinquency, however numerous his crimes, however injurious to the national honour, would only have to secure the minister's protection to be able to laugh at accusation, and set conviction at defiance.

Much had been said by the friends of ministers concerning secrets; but there could be no secret in question; nor could the papers called for possibly make any thing public which was not already well known in India. If it were asked why he, who was so strenuous for the publishing of every matter relative to India, and so urgent in contending that nothing respecting that country ought to remain a secret, did not hold the same argument with respect to the European powers, and in like manner maintain that nothing which regarded treaties and negociations between the court of Great Britain and any court of Europe ought to be made a state secret in that House, by any of his majesty's ministers, he would answer that question by proposing another. Had that House ever expressly laid down rules of administration for the executive government with regard to European powers? Most certainly it had not; and that for very clear and obvious reasons. Why had it done otherwise with respect to the administration of the executive government of the British possessions in India? Because from the series of abuses, mismanagement, and delusion, which had crept into the conduct of the executive government in India, the British honour was tarnished, and the native princes no longer had confidence in British faith. Nothing, therefore, but the interference of parliament could redeem the national credit, and restore it in the eyes of the country powers in Hindostan. Having so interfered, and having laid down the code of laws which could alone support a system of government adapted to the nature of the case, and likely to regain the confidence of the native princes — a system of government founded on simplicity, publicity, and good faith, — would that House, on the mere pretence of a state secret, without the smallest information to prove that there was a real state secret in the way, with nothing more than a minister's *ipse dixit* for it, shut their eyes to what every man who was not wilfully blind must see the necessity of — to their proceeding to substantiate their resolutions and fulfil their promises, to which they all stood so particularly pledged? Even yet, however, he should not relinquish his hopes that the right honourable and learned gentleman (Mr. Dundas) would rescue the House from the disgrace of having been persuaded by him to vote resolutions,

which, if the papers were refused, it would be fair to say he never meant should be acted upon. Let the right honourable and learned gentleman recollect what had been done last year by the board of control respecting the debts of the nabob of Arcot. If he did not know the circumstance, he would possess him of it; but most probably he knew it more correctly than he did; if he did not, however, he would inform him of the fact. It was this: — that so far from the arrangement then made being attended to, new loans were at this time going on, and new debts contracting. Mr. Fox concluded a most able speech with moving, "That there be laid before this House an extract of Bengal consultations, dated 20th January 1784, as far as relates to any letter received from Major Brown, dated the 30th of December 1783."

After a long debate, the House divided on Mr. Fox's motion:

	Tellers.			*Tellers.*	
YEAS	Mr. North, Sir James Erskine	73.	NOES	Mr. Eliot, Mr. Rose	140.

So it passed in the negative.

MR. PITT'S MOTION FOR FORTIFYING THE DOCK YARDS.

February 27.

THE first object of importance that engaged the attention of parliament in the present session, was a measure which originated with the Duke of Richmond, the master-general of the ordnance. It was a plan for fortifying the dock yards at Portsmouth and Plymouth. The House of Commons had in the preceding session expressed their unwillingness to apply any part of the public money for this purpose, before they were made acquainted with the opinions of such persons as were best able to decide concerning the utility and propriety of such a measure. In consequence of this intimation, a board of military and naval officers was appointed by the king, with the master general of the ordnance as their president; and the proposed plan of fortifications was referred to them for their opinions and advice. After they had investigated the subject, and had made their report thereon, the plans recommended were laid before a board of engineers to make an estimate of the expences necessary to carry them into execution.

This estimate, which amounted to no less a sum than 760,097l. Mr. Pitt laid before the House on the 10th of February, and on the 27th, he introduced the measure in the form of a general resolution to the following effect: "That it appears to this House,

that to provide effectually for securing his majesty's dock yards at Portsmouth and Plymouth, by a permanent system of fortification, founded on the most œconomical principles, and requiring the smallest number of troops possible to answer the purpose of such security, is an essential object for the safety of the state, intimately connected with the general defence of the kingdom, and necessary for enabling the fleet to act with full vigour and effect, for the protection of commerce, the support of our distant possessions, and the prosecution of offensive operations in any war in which the nation may hereafter be engaged." The resolution was supported by Lord Hood, the honourable Captain Berkeley, the honourable James Luttrell, Captain Bowyer, Sir C. Middleton, Mr. J. Hawkins Browne, and Lord Mahon. In opposition to the measure, it was moved as an amendment, by Mr. Bastard, and seconded by Sir W. Lemon, to leave out of the resolution all the words from the word "house" to the end of the question; and to insert, "that fortifications on so extensive a plan as proposed by the board, are inexpedient." This amendment was defended by Mr. Wallwyn, General Burgoyne, Captain Macbride, Colonel Barré, Mr. Courtenay, the honourable Charles Marsham, Mr. Windham, Lord North, and by Mr. Sheridan, whose speech upon this occasion was the subject of much admiration. As soon as he had set down,

Mr. Fox rose and remarked, that his honourable friend had gone so fully into the whole of the subject, and had argued it so closely, that it was unnecessary for him to take up much of the time of the House. He would, therefore, speak only to a few points, so personal to himself, that the House, he conceived, would think it highly necessary for him to take some notice of them. The right honourable the chancellor of the exchequer had pretty strongly insinuated that the system of fortification, now in contemplation, was a part of that identical system which he had, when in office, proposed to the House. This was not by any means a correct representation of the fact; for, in truth, he never had proposed any plan of fortification whatever; but in the ordnance estimates of the year 1783, a specific sum was asked for the purpose of going on with Fort Monkton, and another small fort which had been begun; yet, a demur arising upon the subject, he had agreed in the committee to take the two charges out of the estimate, and reserve them for future consideration; and the remaining part of the estimate was voted without them. In his opinion, a right honourable colonel (Barré) had well said, that it was not by fortifying Portsmouth and Plymouth merely that we were to look for a defence of the kingdom, either from invasion or dangerous attacks; because, undoubtedly, there were other vulnerable parts of our coast which required attention as well as those proposed to be fortified.

As to the late peace, some observations concerning which had given such offence to the right honourable colonel, he should still deny that it had been either a necessary, or a great and glorious peace; and contend, that in the relative state of this kingdom, at the time, compared with the state of other powers, we had a right to expect a much more advantageous treaty. If, however, the peace had been great and glorious, those who remained in office, and enjoyed a share in making it, had divided the rewards of it in a manner singularly striking. For themselves they had taken places and emoluments, and left the person, who was supposed to have been the principal negotiator of it, in full possession of all the encomiums which the warmth of his panegyrists could bestow.

But "ease and praise," said Mr. Fox, are the true objects of genuine ambition. These they have liberally bestowed on the noble lord (Lansdown); these substantial recompences, these solid honours, have they nobly secured to him, in his favourite retirement, in his sequestered happiness, in rustic peace, and undisturbed repose! For themselves, on the contrary, have they not reserved all the cares, the anxieties, the fatigues, the solicitations — and the emoluments of office? Generous partition! — substantial fame for their patron; mere official reward for themselves!

It is the extreme of absurdity to imagine, on party considerations, that the carrying the proposed amendment can prove an object of the slightest estimation. Who can conceive that either I or my friends will be one step nearer the acquisition of office or of power, whether the Duke of Richmond's fortification plan succeeds or fails? If defeating the minister, even in points which he has unequivocally supported to the utmost of his power, could have served us in a party light, how comes it that, notwithstanding the numerous defeats which he has endured, he continues unshaken, and even more firm than ever? Has the complete failure of the Irish propositions in the least affected him as a minister? Did his shameful defeat in the question of the Westminster scrutiny either prejudice him, or serve me, in a ministerial light? Did his abandonment of the cotton tax take an atom from his consequence? The fact is, he is a minister who thrives by defeat, and flourishes by disappointment. The country gentlemen oppose him upon one occasion, only to give him more strength upon another; he is beaten by them upon one subject, only to be assisted by them in a succeeding one; if he falls by the landed interest to-day, he is sure to rise by them to-morrow with added energy and recruited vigour.

In conclusion, he must beg leave to remind the House,

that the right honourable gentleman had, as usual, availed himself of his machinery in his opening speech. He had drawn into his argument the American war, and the coalition. He was a little surprised that the poor India bill had escaped. Those topics, however, the right honourable gentleman might bring forward as often as he thought proper. No part of his conduct was he ashamed of; and although clamour, artfully raised, and industriously kept alive, might for a while put a false and injurious construction upon it, time would dissipate the cloud of prejudice, and convince all men how egregiously they had been duped and deluded. And here he should avow, that he retained all his great party principles upon constitutional questions; and that it was this circumstance which formed the line between him and the right honourable gentleman. I stand, said Mr. Fox, upon this great principle. I say that the people of England have a right to control the executive power, by the interference of their representatives in this House of parliament. The right honourable gentleman maintains the contrary. He is the cause of our political enmity; to this I adhere; to this I pledge myself, and upon this ground I mean to vote for the amendment.

After a long discussion of the subject, the House divided on the original motion, as moved by Mr. Pitt:

	Tellers.			*Tellers.*	
YEAS	Mr. Steele Mr. M. A. Taylor	169.	NOES	Lord Maitland Capt. Macbride	169.

The numbers being equal, Mr. Speaker Cornwall said, that although he should have wished to have stated at large his reasons for the opinion he had formed on the question, yet, after so long a debate, he had too much respect for the House to take up any more of their time; and therefore declared himself with the noes. So it passed in the negative.

Mr. Fox then said, that the motions which his right honourable friend, Mr. Burke, was to have made on the preceding day, for papers relative to Mr. Hastings, could not be made before Wednesday; on which day they probably would be made by his right honourable friend, who was then prevented by illness from attending his duty in that House,—a fortunate circumstance for the right honourable the Speaker, as it had given him an opportunity, which he otherwise would not have had, of gaining immortal honours, by his casting vote upon the subject of fortifications.

Motion for the Repeal of the Shop Tax.

March 2.

THE House having resolved itself into a committee of the whole House, to consider of the several petitions which had been presented praying for the repeal of the shop tax, Sir Watkin Lewes moved, "That the chairman be directed to move the House, that leave be given to bring in a bill to repeal an act passed during the last session of parliament, entitled, 'An act for granting certain duties on shops within Great Britain.'" The motion was supported by Aldermen Sawbridge, Newnham, Townshend, Hammet, and Watson, Sir Joseph Mawbey, Mr. Thomson, Mr. Drake, Sir Gregory Page Turner, and Mr. Fox; and opposed by Sir Edward Astley, Mr. Loveden, Mr. Powys, Mr. W. Stanhope, Mr. Pitt, and Mr. Grigsby. In reply to Mr. Pitt,

Mr. Fox said, that the right honourable gentleman might rest assured that he admitted, without even the slightest exception, the justice of his arguments in favour of the necessity of perpetually endeavouring to introduce whatever might tend to improve the national revenue, and of refusing — unless the most unanswerable reasons could justify a contrary procedure — to relinquish a tax, from the produce of which a considerable sum might be looked for. So fully was he persuaded that his sentiments became not only every minister, but every member of that House, and so deeply was he, at the same time, convinced, that, in matters of taxation, the unpopularity of any particular impost ought not to be the reason for its being abandoned, that much as he professed of respect for his constituents of Westminster, and still more, as he felt of regard and reverence for those whom he considered as his first constituents, the people at large, whose interests he held himself bound to watch over, and, as far as in him lay, to protect and defend within those walls; yet, notwithstanding the numerous petitions on the table, and notwithstanding the instructions which he had received from those whom he immediately represented, and their known wishes, he made no scruple to declare, that he would have supported the right honourable gentleman in resisting a motion for the repeal of the shop tax, had he not been fully convinced that the tax was radically bad; that it was founded in the grossest partiality and injustice; and that no modification whatever, much less the sort of modification proposed by the right honourable gentleman, could cure its defects, or render it fit to be endured. The motion for its repeal should, therefore, have his

firm support, and in giving his vote for a repeal of the act *in toto*, he hoped he should not be considered as an enemy to the revenue. When the tax had been originally proposed, he objected to it, and then declared, that, though the right honourable gentleman chose to call it a shop tax, it was in fact an additional house tax, partially applied to houses, of which shops made a part. That was, undoubtedly, the state of the case, and consequently it was not the first, but the second shop tax; for the tax on houses had operated partially, and to the disadvantage of shopkeepers; inasmuch as shopkeepers, compared to all other descriptions of householders, paid by far the highest rents of any persons in the kingdom. To lay a new burden on the shoulders of that description of people, who were too heavily burdened before, was oppressive and unjust; and that, therefore, were there no other, was a strong reason, and indeed it ought to operate as an unanswerable one with the committee, for agreeing to the motion for a repeal of the act.

The right honourable gentleman had put the case, if houses were to rise in rent considerably all over the kingdom some years hence, what would then be the situation of shopkeepers, and would they have any reason to complain that they paid higher rents than they did at present? If the right honourable gentleman meant merely, that if money grew cheaper, and all sorts of property fetched a larger proportion of money in price proportionably, in that case things would just remain in the situation in which they stood at present; but if the right honourable gentleman meant (and so indeed he must mean, if he meant any thing) that the houses of shopkeepers only were at any given period to be raised in their rents all over the kingdom, he had then very fairly described the additional tax in question, because that tax operating upon shopkeepers only, did what the right honourable gentleman had stated: it raised the rents and swelled the capitals of shopkeepers' houses all over the kingdom, at the same time that it raised the rents of no other houses. How extreme was the injustice of selecting that useful body of people, the shopkeepers, as objects not only of separate and distinct, but of oppressive and unjust taxation! With regard to the two points, which the right honourable gentleman had laboured so much to establish, namely, that the tax was not personal, and that it might be laid on the consumer by the shopkeeper who paid it in the first instance, both those positions must he deny in the most unequivocal manner, and declare that the tax was a direct personal tax on the shopkeeper, and that it was utterly impossible for him to repay himself by laying it on the consumer, without putting the public not merely to five times the charge

of it, (as an honourable member had stated to have been the case in regard to the duty imposed on wine some years since), but to forty, or perhaps one hundred times the charge. On this occasion, he must beg leave to remind the committee, that nothing could be more easy than to ascertain exactly to what the sum of additional duty per hogshead upon wine came, and what would prove the amount of that duty when divided into gallons, and from gallons into bottles. If, then, in a case so easy, obvious, and intelligible, the retail dealer had barefacedly charged the public five times as much for every bottle as he paid to the exchequer, what an advantage must not be unavoidably made where the distribution of the tax was privately laid on a variety of small articles! In fact, the consumer, if he paid the tax at all, must imperceptibly and insensibly, even to the shopkeeper, pay it over and over and over again; but he defied the right honourable gentleman to prove that any shopkeeper either had, or could charge it to the consumer. Being therefore undoubtedly a personal tax, he should advise the right honourable gentleman, in this instance at least, to give way, and offer some tax, less exceptionable, in its stead; in short, the tax was so radically bad, that no modification could cure its defects.

The right honourable gentleman, in the greater part of his argument, had endeavoured to prove that the tax was not personal, and that it must find its level, and fall on the consumer. If this were true, what was there to recommend his modifications? The right honourable gentleman had stated that he would take off and modify the portion of the tax to be paid by all shopkeepers who lived in houses at less rents than twenty and twenty-five pounds, which would considerably lighten the load, and exonerate the shopkeeper. Would it? Of what would it exonerate him? Of the money paid by the consumer! For if the consumer was to pay the whole of the tax, the consumer would be exonerated by the modification proposed, and not the shopkeeper. In like manner, the generous and compassionate bounty of the right honourable gentleman, in fact, amounted to nothing; because if the consumer really paid the tax, the poor shopkeeper, who was not to pay towards the tax, if he was excused the payment of parochial taxes, was excused from paying that which, according to the right honourable gentleman's argument, was to come out of the pocket of another.

The right honourable gentleman had thought proper to hazard the remark, that the tax would, no doubt, find its level; but that the shopkeepers had not yet found out how to make its distribution. This was an extraordinary thing to say of men, the daily business of whose lives was to lay out large sums

to purchase articles in the gross, and to draw back and collect the sums so expended by a multitude of minute profits. How strange and idle to impute the sort of ignorance in question to those men, who, of all others, were most in the habits of making such a distribution as that which it had been said they had not discovered how to make! In fact, the laying the tax on the consumer at all was impossible. Upon this occasion he should instance his own receipt tax, which every body knew was to this day paid by the person who received the money, although he had a legal right to oblige the person paying it to pay for the receipt.

Mr. Fox declared, that though he did not pretend to be above popularity, but, on the contrary, was shocked and affected when it fell to his lot to become unpopular, yet he would, at all times, in spite of unpopularity, stand up an advocate for a tax after it was once proposed, unless, as in the present instance, he thought the tax radically bad, and unfit to remain unrepealed. The present tax was a personal tax, and at the same time partook of the nature of a tax on the consumer in the worst manner, because it left the power of distribution solely at the discretion of the shopkeeper, and, what was more exceptionable, to be by him secretly exercised. The requisite to make a personal tax palatable was, to lay it so that its operation should be general, if not universal. The servant's tax was an unexceptionable personal tax, but, he feared, ill collected. The argument of a worthy alderman was certainly well-grounded in regard to the principle of taxation, though it went a great way farther than he was ready to go upon the subject; but the right honourable gentleman, he thought, went much farther himself, when he had asserted that nine tenths of the revenue depended upon taxes raised upon the principle which the honourable alderman had reprobated—the principle of imposing mere personal taxes, and those such as did not affect themselves. Whenever taxes were under consideration, one material defect in the construction of that House manifested itself, and that was, that the city of London, which paid, in general, so large a share of all the taxes, had not a greater proportion of representatives to secure it its due weight in determining of what taxes should consist. The right honourable gentleman, notwithstanding, deserved a tribute of applause for such modifications as he intended to introduce; and, for his own part, having a total aversion to the whole of the bill, he should be glad to discover that, with the aid of the right honourable gentleman, some portion of it might become repealed, if it were vain to hope to see it actually thrown out of parliament. An event of this last desirable and happy nature would rescue the shopkeepers o

London and Westminster from the burden of an almost intolerable grievance. Anxious to emancipate them from such unmerited oppression, he felt it a duty which, upon the present occasion, he should most chearfully fulfil, to vote in favour of the motion for an absolute repeal of the act passing during the course of the preceding session.

The committee divided:

For the repeal of the shop tax -	93
Against it - - - - -	176

The motion was consequently rejected; but leave was given to bring in a bill to explain and amend the said act.

Mr. Pitt's Plan for the Reduction of the National Debt.

March 29.

EARLY in this session, Mr. Pitt had taken notice of that part of his majesty's speech which related to the necessity of providing for the diminution of the national debt; he had at the same time given the House to understand, that such was the present flourishing condition of the revenue, that the annual national income would not only equal the annual national disbursements, but would leave a surplus of considerable magnitude; this surplus, he said, he meant to form into a permanent fund, to be constantly and invariably applied to the liquidation of the public debt. In pursuance of this information to the House, and in order to ascertain the amount of the surplus in question, Mr. Pitt, previous to his entering into the state of the finances, or ways and means for the present year, moved, "That the several accounts and other papers presented that session, relating to the public income and expenditure, be referred to the consideration of a select committee, and that the said committee be directed to examine and report to the House, what might be expected to be the annual amount of the income and expenditure in future." This motion was unanimously agreed to, and the select committee having framed their report, laid it before the House on the 21st of March. Mr. Pitt on the 29th, together with the supplies and ways and means for the present year, brought the consideration of the national debt, and his proposition for the diminution of it, formally before the House. After entering at great length into the actual and probable resources of the country, Mr. Pitt said, there was little doubt but that the growing resources of the country, and the contingent receipts of the different sums he had mentioned, would be more than suffi-

cient, without a loan; to discharge the exceedings which our establishments, during the next three or four years, would amount to, beyond their permanent level, as stated in the report. But if it should be otherwise, he nevertheless was of opinion, that money should rather be borrowed for the discharge of those extraordinary demands, than that the institution of the fund in question should be postponed, or infringed upon at any time after it was established. Mr. Pitt next proceeded to explain the mode he meant to adopt, in order to insure the due application of this fund to its destined object: he proposed, he said, to vest in a certain number of commissioners the full power of disposing of it in the purchase of stock for the public in their own names. These commissioners should receive the annual million by quarterly payments of 250,000l. to be issued out of the exchequer before any other money, except the interest of the national debt itself; by these provisions, the fund would be secured, and no deficiencies in the national revenues could affect it, but such must be separately provided for by parliament. The accumulated compound interest on a million yearly, together with the annuities that would fall into that fund, would, he said, in twenty-eight years, amount to such a sum as would leave a surplus of four millions annually, to be applied, if necessary, to the exigencies of the state. In appointing the commissioners he should, he said, endeavour to chuse persons of such weight and character as corresponded with the importance of the commission they were to execute. The speaker of the House of Commons, the chancellor of the exchequer, the master of the rolls, the governor and deputy governor of the bank of England, and the accountant general of the high court of chancery, were persons who, from their several situations, he should think highly proper to be of the number. Mr. Pitt concluded by moving, "That the sum of one million per annum be granted to his majesty, to be vested in commissioners, and to be by them applied to the reduction of the national debt, and that the same be charged upon, and made payable out of, the surplusses, excesses, overplus monies, and other revenues, composing the fund commonly called the Sinking Fund."

Mr. Fox observed, that the elaborate and far extended speech of the right honourable gentleman, whilst it reminded him how much time had elapsed, suggested also a conviction of the impropriety of trespassing, at the present advanced hour, too long upon the attention of the House; but in the outset of what he had to say, he begged leave to declare that no man in existence was, or ever had been, a greater friend to the principle of a sinking fund than he was, and ever had shewn himself from the first moment of his political life. He agreed most perfectly with the right honourable gentleman in his ideas of the necessity of establishing an effective sinking fund for the purpose of applying it in diminution of the national debt, however much he might differ with him in

respect to the most prudent and useful mode of making the application, and however much he might differ with him as to many parts of his speech, and a variety of observations it contained.

With respect to the conduct of the committee to whom the papers had been referred, he should not scruple to declare that their mode of taking averages had been not only different from that of every former committee, but totally the reverse of that which had ever been deemed the fairest mode of taking an average. In illustration of this remark, he instanced the produce of the tax on malt, in averaging which, for six years, the committee had stated, that a particular year (the year 1782) was uncommonly deficient. Now, the use of an average had ever been supposed to arise from the averaging a number of years produce, among which years there might be years of extraordinary deficiency, or years of extraordinary plenty. He next pointed out the fallacy of stating the receipt of the present year, which happened to be a year of uncommon rise of revenue, and opposing to it, not the actual expenditure of the present year grounded on the votes of that House; but the probable expenditure of the year 1790. He asked, whether that was a fair comparison of the annual receipt with the annual expenditure, and whether—as the right honourable gentleman had admitted, what indeed no person could deny, viz, that 600,000l. more had been voted for the navy, and 400,000l. more for the army, this year, than appeared under the head of expenditure—it was not manifest, that so far from there being a surplus of 900,000l. there was not a deficiency? He reminded the committee of the difference last year between himself and the right honourable gentleman, respecting their reasoning upon the balances of certain quarters, which had been selected as the most favourable quarters, and said, it now plainly appeared, that if he had at that time calculated the balances, that would result upon the whole of the four quarters, when the year should be completed, somewhat too low, the right honourable gentleman, it was evident, had calculated them much more too high. He reminded them also, that when he had said in argument, on one of those occasions, that he believed there would be some balance, the right honourable gentleman had echoed the words "some balance" with an air of disdain, as if he (Mr. Fox) had talked with ridicule or with contempt of a matter which it was certain would turn out to be a monstrous balance. The fact was now before the committee, and he begged leave to ask whether it was not true, that so far from there being some balance for the present year there was none at all? Though it had turned out to be in

both particulars exactly as he had stated it would turn out, he mentioned them not with any view to triumph over the right honourable gentleman, but merely to shew that he had been right before. The right honourable gentleman had observed, that 1,800,000l. for the navy, included 18,000 seamen, a larger number than had ever been known in a permanent peace establishment in the most flourishing state of this country. He could wish to know what the right honourable gentleman saw in the situation of the affairs of Europe that could induce him to imagine that a less numerous establishment of seamen would be sufficient, or a more contracted navy than 1,800,000l. could provide? For his part, he saw much that served to prove that a still greater naval establishment was necessary: for much had of late happened, which looked as if all Europe was combining to form engagements hostile to this country, and detrimental to its interests at present, and its efforts in case of a future war; while no transaction that had lately taken place in any of the foreign courts wore a favourable aspect. Under such a period to say we had a more powerful navy than had ever been known in time of peace, in the most flourishing of former periods, was saying nothing. Had we a navy sufficient to cope with the combined marine of the maritime powers? If we could not effect such a purpose, we fell short of what was, in his opinion, indispensably necessary to our immediate safety and our future security and well being as a naval power. He agreed nevertheless in the propriety of dedicating the surplus fund to the diminution of the national debt, and whether the whole of the report was true, or whether it was erroneous, he should still be of opinion, that it was right to pay off a part of the national debt, and highly proper to begin doing it immediately, even if the consequence were, that the sinking fund was not found equal to it; in which case, he held it to be the duty of that House to make good the sum so appropriated to that important service, and to continue so to do, even if they were annually obliged to impose new taxes on the subject. When he said this, however, he begged to be rightly understood, as to how far he agreed in respect to the present plan; it was merely to the commencement of some plan; and a better one than that proposed, might easily be adopted. The parts of the plan that he disapproved were two-fold, the one, making the sum appropriated unalienable in the time of war, the other, making the obligation to pay off the debt general, and not pledging or binding it closer. He pointed out various disadvantages that might result from tying up the sum in time of war, and contended, that as the committee and the object of their institution were not bound down to any specific point, both were

liable to be annihilated by a future parliament. He reminded the House of the mode of the original institution of a plan for paying off a part of the national debt, which had been by a subscription of individuals, to whom the faith of parliament had been pledged to pay off certain specific portions at stated periods. He dwelt on the difference between the two modes, observing, that when the nation or when parliament stood bound to individuals, the pledge was held as sacred as the pledge to pay the interest of the national debt at present, or the annuities now payable; and, undoubtedly, nothing short of a national bankruptcy would prevent the sums engaged from being paid to individual subscribers; whereas upon the conditions on which the committee would stand, what should hinder a future minister, in a future war, when the exigency of affairs might require additional burdens to be imposed on the subject, from coming down to that House and proposing to repeal the act authorising the institution of the committee, and enabling government to apply all the money and stock in their hands to the public service? What should hinder the House from agreeing to the proposition? Or was it at all likely that, under the exigency of the moment, they would not immediately agree to it, when so much money could be easily got at, and when they could so readily save themselves from the odious and unpleasant task of imposing new taxes on themselves and their constituents? With regard to the chancellor of the exchequer being one of the commissioners, he thought it perfectly right, that whoever held that office should be one at least in such a commission. The chancellor of the exchequer was an officer in whom that House reposed great confidence in respect to matters of finance, and who certainly ought to have an immediate connection with the diminution of that debt, the creation of which had unavoidably been an act of his own, in the necessary discharge of his official duty. From the various guards which the right honourable gentleman had suggested it to be his intention to put upon the committee, it was obvious that he saw the suspicions to which it would be liable, and therefore, Mr. Fox declared, the more guards put upon it the better. Unfortunately, however, the more the guards, the less the œconomy of the system. He expressed some doubts whether the compelling them to lay out the money on certain days might not raise the market; and whether it might not happen that on some of those days when they might be obliged to buy, there might be no sellers, and consequently the committee become compelled to force the market, and by so doing, raise the price so high, that in such instances all the benefit would be lost to the public. The right ho-

nourable gentleman had talked of spreading the money into several sums, and by that means reducing each so small as to avert as much as possible the effects he had stated as probable to happen. Of that he approved, but he could by no means agree that the committee were to act a public part. The fact was, they were to become private stock brokers with the public money. He descanted on this, and stated his reasons for wishing their acts to be as public as possible; which were, he said, the only means that he knew of to save them from a good deal of that suspicion to which it was easy to see they would be exposed. Mr. Fox again adverted to the report and to the statements made by the chancellor of the exchequer in the course of his speech, several of which he combated, and endeavoured to disprove. He mentioned the necessity of providing new taxes in lieu of such as had failed, that should produce the sums for which they had been given, and by that means preserve the sinking fund whole and entire. In order the more amply to point out the necessity for this, he animadverted for some time on the actual produce of the different taxes of the last year. The shop-tax, for instance—which, he said, he should ever hold to be an odious, oppressive, and unjust personal tax—had been nominally given for 120,000l., whereas it appeared from the assessments that if they were all paid, (which undoubtedly was not likely to be the case,) the produce would amount to no more than 70,000l., and when the modifications lately made to it, came into operation, that 70,000l. would be reduced to 50,000l., so that a tax taken at 120,000l. would produce no more than 50,000l. In that case, and in all cases like it, he held it to be the duty of a chancellor of the exchequer to propose either a new tax that would be efficient for 120,000l. and repeal the shop-tax, or a tax that would be efficient for the 70,000l. the sum which the shop-tax fell short of producing. During the war he had repeatedly held language urging the necessity for the deficiencies of the new taxes being made good by other taxes, and the answer of his noble friend in the blue ribbon had always been, that during the war, they must get on as well as they could, but that when peace should come, that would be the fit opportunity for making good the deficiencies on the war taxes. For that answer there was some reason; but the right honourable the chancellor of the exchequer had not the same excuse; and yet all his taxes did not produce much more than one half of the sums for which they had been given. As to the commutation tax, he must wish to ask the right honourable gentleman if the greater consumption of tea that it had occasioned in this

kingdom, as well as the greater consumption of a far greater proportion upon the whole than ever of teas of the higher sort, quality and price, which increased the necessity of the East India company to send out to China and expend considerably more in the purchase of teas than ever had gone to China, was any matter of solid satisfaction to him, as guardian of the commerce and revenues of Great Britain? Was it by such extensions of trade, that he wished to be considered as a friend to the revenue or commerce of the kingdom? Or would he assume any merit for having extended a trade, before so disadvantageous to this country, in respect to exports and imports? He thought it fair to warn the right honourable gentleman on so important a consideration; and he would leave it to himself to draw the necessary conclusion from the circumstance. The right honourable gentleman had said, he observed, that our resources were near cracking just before the war was brought to a conclusion: for his part, he never had been of that opinion, nor ever had stated that he was: but what sort of melancholy reflection was held out to the public by his committee, when it was the clear deduction from their statements, that the permanent peace establishment was not to be expected before the year 1791—eight years after the conclusion of the war? Mr. Fox declared it as his opinion, that with good management, the expences of the war might have been sooner wound up. He recapitulated his principal objections to the plan proposed, and said, he thought they were considerably weakened by not making the fund unalienable in time of war. He entered into a good deal of argument to prove, that twenty-seven years was too long a period to look forward to for the effect of the plan; as, before that period, it was not improbable we might have another war; and a variety of circumstances might occur which would operate as temptations to a future chancellor of the exchequer, to propose to a future House of Commons to repeal the act, annul the institution, and divert the appropriation of its stock to the immediate services of the year: he therefore again, in very forcible terms, recommended the other mode of proceeding by individual subscription. In the course of his speech he entered largely into the detail of the argument of Mr. Pitt, assuring the House that however difficult they might think the subject, and therefore be loth to listen to it, or to endeavour to make themselves master of it, nothing was more easy; there was not the smallest conjuration in it, and he that ran might read. Mr. Fox spoke rather loosely, but he displayed, as usual on budget days, great ingenuity, and a wonderful familiarity with the subject of finance in all its branches.

The motion was carried in the affirmative without a division, and leave was given to bring in a bill according to the said resolution. The bill was brought in upon the 3d of April, and on the motion for the second reading upon the 6th,

Mr. Fox remarked, that his objections were not so weighty, as to induce him to wish that the bill might never come to a second reading. They arose against the mode of creating the fund: the principle of the fund itself he highly approved, but it was commenced in error; for instead of there being even some surplus this year, on a comparison of the receipt with the expenditure, it would be found there was none. What he approved in the plan was, that it would oblige the minister, whoever he might be, whenever he made a new loan, to take especial care to provide a fund to answer it. Instead, however, of applying an imaginary surplus to the purpose of instituting a fund, he would have advised the creating a million or more by additional burdens; the fund would then have rested on solid grounds, which at present it did not do. He would have advised, also, the taking of individual subscriptions, as a better means of paying the debt; for as it was proposed, he feared that the public would buy dearer and sell cheaper, than any other buyers and sellers in the market. Another objection he had to the proposed plan was, the tying up the money even during a time of war; but that was an objection upon which he had more doubt than upon his former one, though, like that, it did not prevent his voting for the second reading of the bill. Mr. Fox then entered into the discussion of the suggested idea, of applying the unclaimed dividends at the bank to the public service, and said, that the utmost advantage which could be made of that project, would be, that the public would have the benefit of the interest of the money; for the principal of the dividends they could not assume and alienate, as the public would indisputably be bound to make the principal good as soon as ever it was claimed.

On the 12th of May, the day appointed for reconsidering the report of the committee on the national debt bill,

Mr. Fox rose to move a clause, which he thought would conduce to the improvement of the bill. His great objection had been to the making the sinking fund to be created by the bill unalienable in time of war from the purpose of paying off the debt, and the objection rested on the difficulty the country might be thereby thrown into in consequence of being obliged to make a new loan. What he should wish, therefore, was,

that whenever a new loan should hereafter be made, the minister should come forward, and not only propose taxes that were efficacious and productive to pay the interest of the loan, but also sufficient to make good to the sinking fund, what should have been taken from it, and likewise to empower the commissioners to accept the loan, or so much of it as they should have cash, belonging to the public, in their hands to pay for. Mr. Fox explained this latter part of his object by stating, that he meant that if, when a new loan of six million was proposed, there should be one million in the hands of the commissioners, in such case the commissioners should take a million of the loan, and the bonus or douceur upon that million should be received by them for the public; so that in fact the public would only have five million to borrow. Having expatiated for some little time on the benefit and advantages that would accrue to the public from this plan, and stated that he had shewn his proposed clause to the right honourable the chancellor of the exchequer, who approved it, and thought exactly as he did on the subject, and that the bill so amended would be a good precept to posterity to follow up in example, Mr. Fox brought up the clause empowering the commissioners, in case of a new loan, to take as much of it on behalf of the public, as they had money in their hands to satisfy.

The clause was received by Mr. Pitt with the strongest marks of approbation. The bill was read a third time on the 15th of May, and carried up to the Lords, where it also passed without meeting with any material opposition.

ARREARS OF THE CIVIL LIST.

April 6th.

MR. Gilbert reported from the committee of supply the following resolution, "That a sum not exceeding 30,000*l.* be granted to his majesty, to discharge the arrears and debts due and owing upon the civil list, on the 5th of January 1786."

Mr. Fox remarked, that although he did not entertain the most distant idea of discountenancing any grant in favour of his majesty, he could not forbear to express his astonishment at finding a demand of that kind made by the crown after the promise contained in the speech from the throne,

at the beginning of the session of 1782, that there should in future be no exceeding in that department; the words of which promise were as explicit as words could possibly be; and ran thus: "I have carried into execution the several reductions of my civil list expences, directed by an act of the last session. I have introduced a farther reform into other departments, and suppressed several sinecure places in them. I have by this means so regulated my establishments, that my expence shall not in future exceed my income." These words were a part of the speech at the opening of the first session after a noble earl (of Shelburne) was first lord of the treasury, and the right honourable gentleman opposite to him chancellor of the exchequer; and it was evident from the subject of the motion then before the House, that the promise contained in them had not been performed; so that either his majesty's ministers had advised him to make a promise to parliament which it was impossible for him to keep; or they had advised him to break a promise which he might have adhered to; either of which actions were highly criminal.—He said he could not avoid touching on a subject which he understood had been mentioned the day before—the establishment of his royal highness the Prince of Wales; and he professed that it was not so much from motives of gratitude for the confidence and condescension with which his royal highness honoured him, nor from the affection which he bore him for his many amiable qualities, but because he really thought it highly necessary for the honour of the crown and the advantage of the nation, that the heir-apparent should be enabled to live in splendor and in ease: for there could be no friend to the monarchical part of our constitution, who did not wish to make a full provision for supporting the dignity of a person so nearly connected with the monarchy. In the reign of George I. although the civil list at that time was only 700,000*l.* a year, 100,000*l.* of it was allowed to the Prince of Wales, afterwards George II.; and yet, now that the civil list was so considerably increased as to amount to 900,000*l.* a year, besides an additional aid of 50,000*l.* in amount at least, arising from the salaries of the offices suppressed by the bill of his right honourable friend (Mr. Burke) falling in, the income of the Prince of Wales was only 50,000*l.* If his majesty could not make 950,000*l.* cover his expences, how could it be expected that his royal highness the Prince of Wales could live upon 50,000*l.*? His royal highness's household establishment was more expensive, compared with his contracted income, than that of his majesty, compared with the large amount of the civil list, and the other sums which came in aid of it; 50,000*l.* was,

he confessed, equal to the establishment first granted to Frederick Prince of Wales; but that prince's establishment was known to be extremely inadequate, and was therefore afterwards increased: and, besides, the expence of living had risen considerably since that time. He knew no proper method of bringing the business before the House, except by message from the crown, and he earnestly hoped ministers would advise his majesty accordingly. If they did not, he should himself venture to introduce the business previous to the rising of parliament.

The resolution was agreed to by the House.

Articles of Charge against Mr. Hastings — Rohilla Charge.

On the 4th of April Mr. Burke, in his place, charged Warren Hastings, esq. the late governor general of Bengal, with sundry high crimes and misdemeanors, and delivered at the table the nine first articles of his charge, and the rest in the course of the following week, amounting in all to twenty two in number. On the 26th Mr. Hastings requested by petition to the House to be permitted to be heard in his defence to the several articles, and that he might be allowed a copy of the same. Mr. Burke declared his wish that every reasonable degree of indulgence should be shewn to Mr. Hastings: he should therefore readily consent to his being heard in his defence, though he did not think it quite agreeable to the regularity of their proceeding, that he should be heard in the present stage of it. With respect to a copy of the charges, he believed there was no precedent of such an indulgence being granted. It was well known that it was his original intention to have gone through the whole of his evidence before he delivered in his articles, and to let the charge grow out of the evidence; but the House, in its wisdom, had thought proper to vote a different mode of proceeding, and to direct that the charges should be first made; and that he should then proceed to substantiate them by evidence. Hence he had been under the necessity of new arranging his plan, and of making his charges as comprehensive as possible, taking in and stating every thing with which private information could furnish him. In their present form they were to be considered merely as a general collection of accusatory facts, intermixed with a variety of collateral matter, both of fact and reasoning, necessary for their elucidation; and the committee to which they were to be referred would necessarily find occasion

to alter them materially. For this reason also he thought it would be highly improper to give a copy of them, in the present stage of the business, to Mr. Hastings.

Mr. Fox observed, that the charges before the House were not articulated charges, but merely general collections of accusatory facts, out of which the real charges were to be extracted, and every body knew, that even after the House had decided upon those real charges, articles short, specific, and pointed, were to be drawn up and sent to the House of Lords, as the grounds of impeachment. Unless a precedent could be adduced, to prove that under such peculiar circumstances copies of charges had been granted by that House to a party accused, he should be of opinion that the House could not grant charges, loosely drawn, and which the committee, to whom they were to be referred, would necessarily alter materially.

Mr. Pitt was willing to admit that the charges contained criminal matter, and such as it was highly incumbent on the House to investigate and bring to a most strict enquiry; but still they were so filled with aggravations and unconnected details; they were so confused and complicated, so irrelevant, and in many places so unintelligible, that he thought it absolutely impossible for the House at large to be able to separate accurately and distinctly those parts which were worthy of attention, from such as were entirely foreign from the main design.

Mr. Fox remarked, that it could only be from want of leisure that the right honourable gentleman had not been able to understand the charges laid upon the table by his right honourable friend. He believed no other man in that House, who had looked into them ever so slightly, would rise and say he did not understand them. Those without doors, as well as those within, who had read them, would not deny that they were perfectly intelligible, however explanatory — for explanatory they necessarily must be. With regard to their not being relevant, he expected it would not be denied him, that the charges in their present cast and form contained much matter of criminal offence. That was all that was necessary, because it was sufficient for the committee to whom they were referred, to report *that*; and then it became the duty of the House to draw out the criminal parts and shape them into articles, as fit grounds of impeachment to be presented to the House of Lords. Whatever alteration might appear necessary, was matter for subsequent consideration. He described the difficulties his right honourable friend had experienced in his progress to that stage of

the business, and said, that no man with less abilities than those of his right honourable friend could have surmounted them. As soon as he had brought the business in one shape, it was stated by the other side of the House, that the form of proceeding was wrong, and that another form must be adopted. His right honourable friend thereupon accommodated himself to the new mode, and followed it. The next time the business came on, the other side changed it again, and again his right honourable friend adopted it; still new modes were proposed, new delays invented, new artifices played off to retard, impede, and embarrass. But the House and the public must see through the whole. The right honourable gentleman opposite to him had admitted that the charges bore on their face and in their body, much matter of heinous offence, but he chose to complain of confusion and irrelevancy, and had gone the length of stating that they were in some parts utterly unintelligible. Why were these complaints urged? Because the guilt imputed was clearly understood; because it was felt; because its impression could not be concealed. In spite of every objection conjured up for the sake of disguising the real effect of the charges, the criminal matter stood prominent and could not be denied. Some people pretended not to understand the charges, because they understood them too well! They pretended to see no guilt in them, because they saw too much!

The question was at length put and carried.

June 1.

The House having resolved itself into a committee of the whole House to consider further of the several articles of charge of high crimes and misdemeanors against Warren Hastings, esq. late governor general of Bengal, Mr. Burke brought forward the Rohilla charge, and moved the following resolution thereupon: "That the committee having considered the said article, and examined evidence on the same, are of opinion that there are grounds sufficient to charge Warren Hastings with high crimes and misdemeanors upon the matter of the said article." Mr. Burke introduced his motion with a solemn invocation of the justice of the House, which he said was particularly due, as well to the people of Great Britain, because the national credit and character were deeply involved, and implicated in the issue of the business about to be brought before them, as for the sake of their own honour and dignity. He described with great force the nature of the question to be decided; declaring emphatically, that it was an appeal from British power to British justice. The charge, he said, must either condemn the accuser or the accused: there was no medium. The result must be, that Warren Hastings, esq. had been guilty of gross, enormous, and flagitious crimes; or, that he

was a base, calumniatory, wicked, and malicious accuser. He enlarged upon the degree of guilt ascribable to that man who should dare presume to take up the time of the House by rashly coming forward, and urging groundless and ill-founded charges against a person who had been intrusted with high and exalted offices in the government of a part of our territories, much larger and more extensive than the whole island of Great Britain. There were, he observed, but three sources of false accusation, viz. ignorance, inadvertency, or passion; by none of these three had he been actuated: ignorance he could not plead, because he knew the subject as fully as the labour and study of six years could make him know it: inadvertency as little could he be charged with, because he had deliberately proceeded, and examined every step he took in the business with the most minute and cautious attention: and, least of all, could it be said, with any colour of truth, that he had been actuated by passion. Anger indeed he had felt, but surely not a blameable anger; for who ever heard of an enquiring anger, a digesting anger, a collating anger, an examining anger, or a selecting anger? The anger he had felt was, an uniform, steady, public anger, but never a private anger; that anger which five years ago warmed his breast, he felt precisely the same and unimpaired at that moment. Not all the various occurrences of the last five years, neither five changes of administration, nor the retirement of the summer, nor the occupation of winter, neither his public nor his private avocations, nor the snow, which in that period had so plentifully showered on his head, had been able to cool that anger, which he acknowledged to feel as a public man, but which, as a private individual, he had never felt for one moment.—He observed, that the vote they were to give that day was not merely on the case of Mr. Hastings; they were to vote a set of maxims and principles, to be the guide of all future governors in India. The code of political principles which they should that day establish as the principles of British government in its distant provinces, would stand recorded as a proof of their wisdom and justice, or of their disposition to tyranny and oppression. He entered at large into those peculiar circumstances in the connection between this country and India, which rendered the retribution of justice, in cases of cruelty and oppression, extremely difficult, and contrasted them with the situation of the provinces conquered by the Romans. The Roman empire was an empire of continuity, each province being either immediately or nearly accessible by land; they had likewise one general tongue to speak with, so that each man was able to tell his tale in his own way. They had another advantage, which arose from the very circumstance of their being conquered, and it was, that the principal persons who accomplished the conquest always acquired a property and influence in each new province by them subdued, and of course the vanquished found patrons and protectors in the persons of their conquerors. Each province was also considered as a body corporate, and consequently each province was enabled to send their grievance to Rome collectively, and to state them as speaking with one mouth. He next adverted to the situation of an accuser in Rome, and to the advantages that

attended him in prosecuting his charges against a state delinquent, who was stripped of his power, and even of his rights as a citizen, pending the prosecution, the better to enable his accuser to make out and establish his accusation. He drew a distinction between this facility of coming at a Roman governor, charged with high crimes and misdemeanors, and the extreme difficulty of substantiating an accusation against a British governor. When it was considered that Mr. Hastings had been for fourteen years at the head of the government in India, and that no one complaint during that time had been transmitted to England against him, the House must be convinced of the enormous degree of power he had to contend with, to which alone could be ascribed the silence in question, since it was not in human nature, situated as Mr. Hastings had been, to preserve so pure, even handed, and unimpeachable a conduct, as to afford no room for a single accusation to be stated against him. After this exordium, Mr. Burke stated at large the subject matter of the charge, and concluded a long and eloquent speech, with desiring the clerk to read the resolution of May 1782, to clear himself from the imputation of having rashly and singly meddled with the subject; and to shew that the House had, in very strong terms, already reprobated Mr. Hastings's conduct in the Rohilla war. The motion was supported by Mr. Wilbraham, Mr. Powis, Mr. Montague, Lord North, Mr. M. A. Taylor, Mr. Windham, and Mr. Hardinge; and opposed by Mr. Nicholls, Lord Mornington, Mr. H. Browne, and Lord Mulgrave. At half past three o'clock the debate was adjourned, and renewed the day following by Mr. Francis, Mr. Anstruther, and Mr. Fox, on the one side; and Mr. W. Grenville, Mr. J. Scott, Mr. Burton, Mr. Wilberforce, and Mr. Dundas, on the other. Upon this ocsasion,

Mr. Fox rose, and said:

Mr. St. John, I rise at this hour, to express what I think with regard to this business, after debating two days about the form in which it should be put. It is indeed to me of very little consequence, in what shape the question is brought before us: I want only to come at the ground upon which the matter stands; I wish only to meet the thing itself fairly and openly; the participation, the guilt, the criminality which may justly be imputed to Mr. Hastings, with regard to the war with the Rohillas — a war carried on to their ruin, destruction, extermination, or any other name you may please to give it, for it was certainly more than conquest. This is the object to which I have done all in my power to call the attention of the House; and I must confess that I am not a little surprised that it has been so much evaded, as it certainly has been, and that in a manner so extremely marked.

The first charge exhibited by my right honourable friend appeared not to meet the wishes of the House. A charge specific of particular facts, was called for — this was complied with. My right honourable friend brought a charge entirely

of the nature and description of what had been demanded: it was then thought more agreeable to gentlemen to move a question upon the charge as it originally stood: this was acceded to with equal facility.

Had I foreseen the use that would have been made of these concessions, I would never have consented; I do not mean that my consent would have been of any avail, but I would have debated to the last, rather than suffered the motion to take the form it has now assumed. It has, indeed, always been my opinion, that the best mode of proceeding in this business, was to move a general question, whether the whole of the charges contained matter of impeachment; and if this should be the opinion of the committee, to consider what particular articles were to make a part of this impeachment; and had it not been that I confided in the declarations of the right honourable the chancellor of the exchequer, I would have still persisted in this manner of taking up the business. It is my opinion that the number, as well as the weight of the crimes that might be found, should go in the minds of gentlemen who form a resolution for impeachment; that the crimes should be great and enormous; and that not only should they bear that character, but that they should be in number very considerable, in order that the aggregate and not the individuals alone, might form ground for inducing this House to present them before the House of Peers, in the only mode in which they can charge any man, that of impeachment. The right honourable the chancellor of the exchequer professes entirely to agree with me in this point; he has declared that he does not consider the vote upon this article, or any one article, as pledging gentlemen to impeach, if upon a retrospect of the whole, after having gone through each, they do not find grounds to lead them to such a determination.

But although the right honourable gentleman professes this to be his opinion, I must contend he means something else. Why, otherwise, should he be so much for retaining the word impeachment at all in the motion? If, as he declares, the vote is solely whether there are high crimes and misdemeanors imputable to Warren Hastings in this charge, that word can only tend to mislead, and occasion a sense of the motion before the House different from what it really is in its true intention. As I have said a good deal upon this in the course of the evening, I beg only that it may not be misunderstood by gentlemen, and that the motion may be taken in the sense explained by the right honourable gentleman to be his sense, and which certainly is mine, that every gentleman who is convinced that Warren Hastings is criminal, highly criminal, with regard to the Rohilla war, ought to vote for the question.

Much blame has been thrown by an honourable gentleman (Mr. Wilberforce) upon my noble friend in the blue ribbon, for not recalling Mr. Hastings at the time he blamed him, as he declares he did, for the Rohilla war. The fact is, the noble lord did desire to recall Mr. Hastings, but his wishes were opposed by those who were Mr. Hastings's immediate masters. He did all in his power; he sent out General Clavering, Mr. Monson, and Mr. Francis, to examine into his conduct, and to be a check upon the violence of his proceedings. The effect has been as he foresaw, and it has brought to light those actions which are the subject of inquiry this day.

My right honourable friend too, who brought forward this charge, has been accused of a persecuting spirit; of bringing forward actions that had been passed over, and which it was right to bury in oblivion. Such imputations, I believe my right honourable friend will not much regard; but when the honourable gentleman complains of parliament, it is too much to pass it over in silence. This business was first inquired into, in the committee of secresy, in the year 1782; it was then censured, and severely censured; and although it was a transaction which happened so many years before that period, it was not made known to them as a subject of inquiry before the appointment of that committee. It was in consequence of the facts that were discovered by that committee, that the resolutions reprobating the conduct of the governor general were passed by the House of Commons. My right honourable friend, it is true, moved for several papers: some were granted him, many were refused; but the whole had its origin in the year 1782. But why should not the conduct of Mr. Hastings be entered into? If by the resolution of the House not to inquire into the transactions of the year 1781, an act of grace was passed, was all his life to be exempted; or was it only that period of it between the year 1781 and the year 1782? Certainly there must be some time for this purpose; and if the honourable gentleman could prove that the Rohilla war was after this time, in which no inquiry was to be made, he might do something; but let this be left to those who are convinced of the guilt of Mr. Hastings and do not choose to condemn him, as their last subterfuge; but to which, it is to be hoped, they will be ashamed to fly.

It has been said by some, that they see too much of party spirit in this business. I agree that professions are nothing. They have often deceived, and will deceive again; but I rest upon something better than professions. I rest upon my uniform conduct in this business. I was from the first, a sup-

porter of an inquiry into the management of the affairs in India: I was in the origin a strong advocate for the necessity of punishing the delinquency that was found there, by the activity of the learned gentleman over against me (Mr. Dundas). Through the whole of that business, I supported that learned gentleman, at a time when I disapproved of his politics as much as I do now: I supported him, even when those who were his friends were against the measures he proposed.

Sir, I can appeal to something better than party spirit. I can show that this has always been the line of my conduct; I can appeal to the part I took upon myself at a much earlier period, in bringing to justice crimes committed in our Asiatic dominions; and there, too, by a man who had great advantages in his favour: for great fame, great glory, great acts for his country, were all in the character of Lord Clive; but these I valued as nothing. Under whose banners did I then contend? It was under the banners of that man, who is now at the head of all the law and religion of this country, the present lord chancellor of England, who treated the subject with that manly eloquence for which he is so much distinguished; who crushed, I may say, to atoms, all those who attempted to set up the services of Lord Clive as a bar to punishment. He would not suffer a word to be heard, he would not allow mention to be made of any thing that was done by him, as any argument to prevent his punishment. I supported him, and if such was my opinion with respect to Lord Clive, I do not see any thing in Mr. Hastings's conduct to induce me to change my mode of action. I do not think that in any capital instance he has been of great use to the company. The Mahratta peace is alledged in his favour. I have my doubts whether this peace had the merit ascribed to it; but if it had, it was a peace only upon a war entered into by himself, on his own wanton provocation; for he does not seem to have been at any time a friend to peaceable measures. He opposed also the forming, and the accomplishment of the treaty of Poonah and Poorunder; he opposed also the peace with Tippoo Saib.

With respect to the particular question, I wish by no means to treat it lightly. I do not approve of making the difference of opinion, in the gentleman at the head of the board, on this subject, an object of pleasantry. The whole business is, in my opinion, solemn and important to the last degree. Much has been said of side questions, but I persuade myself there is a disposition in gentlemen to meet this question fairly and openly. Much disgrace would be upon this country if they should countenance the advice that has been

been given them by some persons, of assenting to this war, as founded on justice.

As for this war of the Rohillas, it has appeared to all the world so wholly unjustifiable, that there has not been found among any set of men, any person that could defend it. If it shall be supported by a British House of Commons, it will be the greatest misfortune that can befall this nation.

The determination of this night will be attended to by all Europe. The nations around us will form upon it their future measures with regard to their powers in India; and may justly presage the total loss of all confidence in the justice of this nation in that part of the world. What must be thought by our government in India? The rule held out to them they must, no doubt, consider as that by which they are in future to direct their conduct.

It was said, that if we guaranteed Sujah Dowlah, we ought to follow him to the extent of what he proposed, and that there was no medium between forfeiting our faith as guarantees, and joining with him in the destruction of the Rohillas. This is, indeed, horrid policy! Instead of acting the part of an equitable umpire and mediator, what is it but to countenance and assist barbarous vengeance and rapacity? to defend that which has cast indelible stains upon the most brilliant monarchs?

If any thing similar to this, of which we are speaking, were to happen in Europe, how great would be the cry against it? If Great Britain were to guarantee a truce between the emperor and the Dutch, in which they stipulated to pay a certain sum of money to the emperor, and afterwards were to refuse to perform this, we ought, according to this reasoning, to join with the emperor in the compleat conquest of Holland. A noble lord (Mulgrave) has, indeed, most sagaciously asked, what, in such a situation, is a governor of India to do; is he to consult Puffendorf and Grotius? No. But I will tell him what he is to consult—the laws of nature—not the statutes to be found in those books, nor in any books—but those laws which are to be found in Europe, Africa, and Asia—that are found amongst all mankind—those principles of equity and humanity implanted in our hearts, which have their existence in the feelings of mankind that are capable of judging.

I have compared the conquest of the Dutch to the case of the Rohillas—but it was more than a conquest. The word extermination has been used; but if the meaning of it be, that every man, woman, and child was put to death, Mr. Hastings is not guilty of so enormous a crime. Suffer me

to

to make use of an example, that may come home more to your feelings; and that is with regard to Ireland. The English are not above one ninth of the inhabitants of that country, but they possess all the power, together with the greatest part of the property and landed estates of it. Were a French army to come and take possession of Ireland, and say to the English, "You are a set of robbers, those lands do not belong to you; you are usurpers, and you came here under the greatest usurper in the world;" (for I believe most of the English families settled in Ireland in the time of Oliver Cromwell) "get you gone—get over that channel, and leave this country, of which you have so unjustly taken possession"—what difference would there be in an act of this kind, and what has been done to the Rohillas? Only this—the Rohillas had been in possession fifty years, and the English one hundred and fifty. No one, I believe, will think that the time could make any material difference; but if this was done by an enemy, it could only be done under the pretence of restoring the country to its ancient masters. With regard to the Rohillas, that is not the case—in other respects the case would not be dissimilar. If all the English were extirpated from Ireland, the manufacturers, the plowmen, and the labourers would still be left—but I believe no one would say, that there would not be great hardship in such case, great injustice, great cruelty. Figure to yourselves such a body of people driven from a country in which they were in peaceable possession, rooted up, and sent amongst you with their wives, with their children, without property, without any thing to support them in existence: yet they would have another advantage; the English would only be sent across a narrow channel to their friends and countrymen; but the wretched Rohillas had no country—the country they had left, had long been possessed by others, and where were these miserable people to seek for a place of shelter—from the persecution of whom?—of Englishmen—natives of a country renowned for its justice and humanity! They will carry their melancholy tale into the numerous tribes and nations, among whom they are scattered, and you may depend upon it, the impression which it must make, will, sooner or later, have its effect.

A great deal of argument has been made use of, with regard to the guarantee, it is said, we entered into. I own I think very differently from most people on this particular point. I think it necessary to consider first, if the agreement was a guarantee: I think Mr. Hastings was guilty, if it was no guarantee; if it was one, I think he is most guilty. But it was no guarantee. Sir Robert Barker, who signed the

treaty alluded to, had no powers for this purpose. He himself thought it no guarantee. The board thought it no guarantee. In truth they could not enter into one, not even Mr. Hastings himself, without contradicting in the most express manner the very opinions he was at that time strongly impressing to be the directors of his conduct.

On the subject of offensive war there has been much dispute; but whatever may be the sentiments of others with regard to it, Mr. Hastings most explicitly declares his opinion to be against it. In the year 1772, Mr. Hastings, in his letter to the court of directors, says, "I can in this beg leave to assure you, that I adopt, with sincerity and satisfaction, your orders against offensive war;" and with regard to the vizier, he declares that "nothing shall either tempt or compel him to pass the political line which they had laid down for his operations with him." He makes use of a very singular expression, for the purpose of shewing his strong determination on this point; it seems to me to be nonsense; but it is intended to shew his measures in a strong light: he says, "in the mean time you will observe, that I have refused to go farther than agreeing to a passive defence of his dominions." This letter was written in the month of November, 1772; in the month of June preceding the treaty was signed by Sir Robert Barker. If he had guaranteed them by this treaty, and come under an obligation to support such a guarantee by an offensive war, it is impossible he could have expressed himself in this manner. In Mr. Hastings's own letter he takes merit to himself for having gone into no offensive treaty; and it is not to be supposed, he could be either so absent, or have so much duplicity, as to speak of a business in a light which he knew to be false, and which might so easily be discovered.

But they double the guilt by supposing a guarantee. If he was guarantee, it could be no reason for his taking up arms; the object was solely the acquisition of a sum of money; and I must beg leave to say, that the object of profit can be no reason for taking up arms at any time or upon any emergency. Here was solely the purpose of acquiring the sum of forty lacks of rupees. No previous requisition was made of them, but the country was immediately invaded. Couple this with the office which they ascribe to him; he was an umpire and a mediator. Every person who is a guarantee to a treaty is a guarantee on both sides. An honourable gentleman said, that he might be such, and not be bound to interfere: this I deny; he has a power of chusing; he is bound to procure the effect of it in its full extent. But what was the conduct of Mr. Hastings? He receives a bribe for the purpose of ex-

torting a sum of money from those he was obliged by treaty to defend; and he adds to the character of a cruel invader, that of a corrupt and profligate judge.

I declare, Sir, that in all the writings I have ever seen, I never recollect such doctrine maintained as I have heard on this subject in this House. I do not pretend to be greatly conversant in books of this kind, but in all of them I have ever looked into, I have never seen conduct such as this attempted to be defended; not even in Machiavel, nor the most corrupt defenders of crooked policy. It is worse than any mode of acting adopted by the meanest states of Italy; and if such doctrines are allowed by the House of Commons to be valid, they are the first public assembly — I do not say that has acted upon them — but they are the first which has ever avowed and adopted them in any part of the civilized world. Unfortunately for mankind, actions are not always derived from pure sources in public bodies, but in general, they take care to hold forth to the world principles of equity and justice.

But if he did guarantee this treaty, it is insisted that he was bound to see the money paid to Sujah Dowlah. Was there no other way of procuring this than the one which Mr. Hastings followed? I cannot put it better than in the words of an honourable gentleman (Mr. Hardinge), who, when he pleases, possesses the powers of eloquence as much as any gentleman I know, but in a plain and simple manner he expressed this more strongly than by the most magnificent figures — Mr. Hastings' language to the Rohillas was this, "If you do not pay this sum of money, be ye exterminated." An honourable gentleman complains, that an appeal has been made to his passions. It is true, it is an appeal to the passions; this simple expression is an appeal, the strongest that ever was made to the feelings of mankind — it is one of those subjects which eloquence cannot heighten, and the force of which words can only diminish. If a sum of money was due by any one country to another with which we were in alliance; if that sum was demanded and refused to be paid, we might join our ally in arms; but we should not rush blindly into war; we should weigh its policy; balance the advantage to be gained; and at any rate, we should follow it no farther than procuring the payment of the sum, and the expence of enforcing it.

The noble lord was pleased to say, that Mr. Hastings was obliged to join in arms with Sujah Dowlah, and having joined him with his troops, he had no more control over them: but this is by no means the line of his proper conduct. If Mr. Hastings thought it right to grant an aid of troops to

Sujah Dowlah, it ought to have been only for the purpose of enabling him to recover this sum of money; but he ought not to have suffered him to carry his resentment to the Rohillas any farther; and even to enter into an offensive war for this purpose, would have been contrary to his orders, and what the object would not have been equal to. Had Mr. Hastings said to himself, "I will procure this money for Sujah Dowlah, as the guarantee of the treaty; as the director of the English forces, and the president of the company's servants I feel myself bound to see that the stipulation is fulfilled, — "*Fiat justitia, ruat cœlum.*" I am determined to risque every thing to maintain the claim of Sujah Dowlah; let the policy and displeasure of the company yield to the necessity of maintaining our faith:" his conduct might have left room for an apology; but this is not his language. What does he say? He says, give it me; I must have this sum. And he thinks fit to represent to him what the orders of the company were, in order to enhance the merit of joining his forces with him, and to induce him to be more ready to let him have these forty lacks. Besides, the Rohilla country was always esteemed a barrier against the Marattas, and they were at that time preparing to go to war against that nation. The security, therefore, of the company's territories required, that they should rather be defended than expelled; that they should be rather protected than wantonly attacked and destroyed.

It is in every respect a clear point, that Sujah Dowlah had no claim upon you for your assistance, whether there was a guarantee, or whether there was no such connection existing. The attestation of any treaty, — and Sir Robert Barker's signature was no more, — can never be considered as a guarantee. As well might the signature of Mr. Oswald and Mr. Franklin, to the treaty of the last peace, be considered as a guarantee that this country and America should perform the conditions they separately agreed upon with France. I think it must be equally convincing to all who attend to the true state of this business, that if there was a guarantee, it only tended to increase the criminality of this conduct. There are the orders of the company against all offensive alliances; and there is the security of the country depending upon the strict compliance with these orders. No one can doubt, that the orders of the company are clear, and that the disobedience of these orders is as clear.

With regard to the justice of the war, it is impossible, in my opinion, that any human mind can feel, that it is not highly unjust in every respect, and in the most extensive degree. No principle that could tend to justify it was ever defended until this period, — and that, too, in a British House

of Commons! Much difference has arisen about the policy of restricting servants in Asia from entering into offensive war. I must own, that I am on that subject entirely of the opinion of the directors. I think that the reputation of equity and moderation is so necessary to the preservation of our possessions in India, that if the rich dominions of the Rohillas had been annexed to our territory, the acquisition could not have made up for the loss of character we have sustained. I think nothing that was possible to be proposed could make up for it. The principle upon which Mr. Hastings acted was horrible; it was the principle upon which the most insignificant mercenary states form their measures of acting. What a principle for a great nation; for the English nation! It was no less than this in the most express terms—you must pay me, and I will exterminate them. This was the language held by the man who was entrusted with the government of the greatest territory belonging to the British empire, or perhaps to any empire; give me the forty lacks of rupees, and I will break through the orders I have received from my masters, and you shall make use of their army to exterminate the Rohillas, and take possession of their country.

But behold what follows. In the year 1782 he is accused of partiality to Sujah Dowlah; his reply is ready, he makes the company participators in the crime, and by pretending their advantage, endeavours to evade the punishment due to such behaviour. I did not, says he, mean to serve Sujah Dowlah; I made this engagement to serve you, by bringing to your treasury a sum of money, and drawing him nearer the frontiers of the Marattas; so that by his dread of them, he may be more dependant upon you. The whole and every part of this transaction forms a picture of so sad and crooked a policy, that it is infinitely detestable.

But this was not only a war merely of contention for victory. It was carried on with circumstances of the most atrocious cruelty. But that I may not seem to exaggerate, what in itself needs no exaggeration, I shall beg leave to read to you the letters of Colonel Champion, complaining of this behaviour.—Mr. Fox here read the following letters:

Letter from Colonel Champion to Mr. Hastings, dated Bissoullee, 10th of March, 1774.

Dear Sir, I have the pleasure to send you a short address for the board, requesting permission to repair to the presidency, and I beg you will not fail to present it as soon as credible accounts shall arrive of any officers being on the way to Bengal, to take the command of the army.—Not only do I wish to get down as soon as possible, to put my little affairs in the best order for my return to

Europe, but I must be candid enough to unbosom myself to you, and confess, that the nature of the service, and the terms on which I have been employed this campaign, have been inexpressibly disagreeable.—The authority given to the vizier over our army, has totally absorbed that degree of consequence due to my station. My hands have been tied up from giving protection or asylum to the miserable. I have a deaf ear to the lamentable cries of the widow and fatherless, and shut my eyes against a wanton display of violence and oppression, of inhumanity and cruelty.—The company's interest constrained me in public to stifle the workings of my feelings, but I must give them vent in private.—Though we had no active part in these base proceedings, yet it is well known that the success of our arms gave him the power of committing these enormities, and I much fear that our being even silent spectators of such deeds, will redound to the dishonour of our nation, and impress all Hindostan with the most unfavourable opinion of our government.—As matters are now, I know of no remedy that would so effectually re-establish our character for justice and clemency, as your taking the family of Hafez under the wings of your mercy and protection, and influencing the nabob to make provision for them, in some degree suitable to their birth.—It would affect your sensibility too much, were I to descend to particulars; let it suffice that the nabob Mahabbit Cawn, the eldest son, and the rest of the family of Hafez, who are under close confinement (the Begums and other women included) have been driven to the necessity of making private applications for a little rice and water.—I wish, my friend, to leave scenes which none but the merciless sujah can bear, without heart-bleeding pain. Relieve me, therefore, as soon as possible, and oblige, dear Sir, &c.

"A. CHAMPION."

Extract of a letter from Colonel Champion, dated Camp, 12th of June, 1774.

"In compliance with the board's desire, I am now to mention a very unpleasing subject, the vizier's treatment of the family of Hafez Ramet, &c. The inhumanity and dishonour with which Mihebullah Khan, his brother Fittiullah Khan, late proprietors of this city and this country, have been used, is known all over these parts; a relation of them would swell this letter to an immense size, and withal prove very disagreeable reading; I send you translations of two letters, and a copy of a third, which, affecting as they are, will convey but a faint idea of the treatment these unhappy people have met with.—I could not help compassionating such unparalleled misery; and my requests to the vizier to shew lenity were frequent, but as fruitless as were the advices which I almost hourly gave him regarding the destruction of the villages, with respect to which I am now constrained to declare, that although he always promised as fairly as I could wish, yet he did not observe one of them, nor cease to overspread the country with flames, till three days after the fate of Hafez Rhamet was decided; but that gentleman, as in all points, except such as immediately respect the operations of the field,

he is solely entitled to prescribe; the reputation of the British name is in his hands, and the line which has been laid down for me is clear."

Translation of a letter from a wife of Hafez Rhamet Khan to Colonel Champion.

"The English gentleman, renowned through Indostan for justice, equity, and compassionating the miserable. Hafez Rhamet Khan for forty years governed this country, and the very beasts of the forest trembled at his bravery. The will of God is resistless; he is slain, and to his children not an atom remains, but they are cast from their habitations, naked, and exposed to the winds and the heat, and the burning sand, and perishing for want even of rice and water: how shall I either write or state my condition? My sighs dry my ink and scorch my paper. It is evident as the sun the English are brave and merciful, and whosoever they subdue, their children they preserve, who forget their sorrows by the kind treatment they receive; nor draw the sword in an unjust cause. Yesterday I was chief of an hundred thousand people; to-day I am in want even of a cup of water; and where I commanded, I am prisoner: fortune is fickle, she raises the humble, and lowers the exalted: but I am innocent, and if any one is guilty, it is Hafez: but why should the innocent be punished for the errors of their father? I am taken like a beast in a snare, without resting place by night, or shade by day. From you, Sir, I hope justice and compassion; for I am as a bird confined in a cage, 'tis better to give up life by the dagger, than famish thus by hunger and thirst; you, I hope, Sir, will reflect on my state, or my misfortunes will be doubled; I have nothing left; pardon this paper."

Extract of a letter from Colonel Champion, dated June 15th, 1774.

"I am most heartily disposed to believe that the board could not have suspected their orders would have had such consequences as have fallen out; they could not have foreseen so sudden and so total an expulsion and downfall of a whole race of people; they could not have supposed that a man, exalted and supported by the British arms, would have paid so little deference to the advice and counsel of a British commander; nor was it possible to conceive that a man who himself had tasted the gall of misfortune, should be so totally unmindful of the unbounded, and unparalleled grace shown to him, as to delight in denying a single ray of benevolence to others; such however has been the case; and in this intimation of it, I have discharged that which was incumbent upon me. I too can say that the nabob, as an agent of oppression, is alone culpable; but whilst all Asia well knows that the English gave him the rod, and whilst they in vain look up to them as those who ought, if not to direct its application, at least prevent an ill use being made of that rod; will they not conclude that the scourges which the agent gives are connived at? Will they not say every English chief is a sujah?"

Extract of a letter to the governor-general and council, dated 30th of Jan. 1775.

"Consider, my friend," says his excellency the vizier, repeatedly to Mr. Hastings, "that it was my absolute determination to extirpate the Rohillas, and that I requested the assistance of the English for that purpose."

However well it is known, continued Mr. Fox, that his excellency is equal to the barbarous design for which he thus publicly and daringly avows that he solicited the aid of the English, is it possible we can believe, that the respectable gentleman here traduced, could have been privy to so horrid a purpose? Could he have so entirely overcome the feelings of humanity? Could he have been so lost to every sense of honour, as to prostitute the English troops, and to stain the glory of the British name, by subscribing to a preconcerted massacre? What is not his excellency capable of advancing?

But with regard to all this, the noble lord (Mornington) says, he considers Mr. Hastings as not at all blameable, that he did all that was in his power to prevent Sujah Dowlah from behaving with cruelty; but that he could not turn his face against a prince whom he had engaged to assist. Why did he not? The principles of humanity and equity are paramount to all treaties and all ties. He ought to have made use of his power to prevent the violation of the sacred obligations of humanity. Sujah Dowlah and his troops were nothing. It was easily in the power of our people to have put an entire end, and to have prevented the ravage they made among the Rohillas. Whatever are your engagements with any ally, you must never forget the rights of mercy and humanity; and when you find those who are with you unwilling to act their part, you ought to prevent them from making a bad use of the rod you have put into their hands. It is a greater motive for opposing their violence, that you have contributed to put it in their power to abuse victory. But at all times, and on every occasion, you are obliged to do all that is possible for you to do, to prevent cruelty.

I refer not to Puffendorf and Grotius; every man who has the feelings of a man is capable of judging. Does it require any investigation of minute relations in points of justice and equity, to decide, that you ought to put a stop to cruelty and barbarity whenever it is in your power so to do? These cruelties are not, indeed, chargeable on Mr. Hastings personally; but when I state, that he levied an unjust war, the consequences that follow he is guilty of: with all the mischief occasioned by these means he is chargeable. In the prosecution of a war founded on justice, it cannot be said, that we draw

upon ourselves the guilt of all the evils that may happen: but it is far otherwise in an unjust war. Having departed from rectitude and justice in the outset, every farther deviation, even without our immediate act, is additional guilt heaped upon our heads.

But it has been said, that Mr. Hastings is not liable to be charged with it, as he was at a distance, and could not remedy the evil. Neither is this a true representation: Mr. Hastings had intelligence of the cruelties that were practised, and he did not take the means to put a stop to them, which were entirely in his power: he even refused, at the requisition of Colonel Champion, to give relief to the severities which were suffered by that unhappy people; and the reason he gives is, that Sujah Dowlah, if they were to controul him, might make that a pretence of refusing the stipulated sum he had agreed to pay. The whole transaction, from beginning to end, was carried on for the purpose of acquiring these forty lacks of rupees; for that sum, the character, the dignity, the honour of the English nation were basely and treacherously exposed to sale.

I think I have now gone over the four principal features of this business, in a manner, indeed, very desultory, owing to the time of the night at which I speak, and which makes me desirous to hasten through the business as soon as possible. The four principal matters to which I wish to draw your attention are, First, the direct disobedience of the orders of his masters, approved by himself, and perfectly well understood by him. Secondly, I have endeavoured to prove to you, that the war was entered into on our part, without any kind of obligation upon us so to do. Thirdly, I have spoken to the justice; and last of all, to the policy of this war. In all these I think I have demonstrated, that there is not a shadow of ground to stand up in defence of Mr. Hastings. His orders are clear, and his disobedience of those orders equally clear.

I think I have made it also obvious to the conviction of every one, that Mr. Hastings was under no obligation to give the assistance to Sujah Dowlah that he did give; that there was no claim upon us in any respect of the matter; and that in this light it was understood, both by Sujah Dowlah, by Mr. Hastings, and by the council. I have also endeavoured to prove, that the action was most unjust, cruel, and inhuman, in Sujah Dowlah, and still more so in us; because it was in our power to prevent it. By our countenance it was accomplished; and the whole iniquity of the ruin of these people falls upon this nation. I have lastly spoken to the policy of it, and I hope neither its policy nor justice will ever be

defended by this House. It was no other than a mercenary bargain for a sum of money, to destroy a people against whom we had no ground for complaint. What an example to future governors, should this action have the sanction or the approbation of this House! I have not enlarged upon the cruelties in the execution of this business; the business itself speaks enough to your passions, and it ought to speak to your passions. Vengeance is due to the injured Rohillas. It is due to the character of this country, stained and violated in so gross a manner. It is due to the honour, the dignity, and the justice of this House.

Against all these principles is set up the personal character of Mr. Hastings. I am far from being desirous of detracting from the character of any man. I wish to think well of every man; and am willing to believe Mr. Hastings possesses very good qualities; but when I am told that he is all mildness and humanity, even to womanish tenderness, I must hesitate. If the Begum and the other women, in favour of whom Colonel Champion intreated Mr. Hastings in vain, had been told that the man who had it in his power by a word to relieve them from the distress and dishonour which they suffered, and who turned a deaf ear to their miseries, was a man possessed of the tenderest feelings of humanity, would they not hold up their hands, and possess minds full of wonder and surprise? It seems indeed impossible, that a man whose heart was not uncommonly hardened, could have acted the part in this matter which was acted by Mr. Hastings.

In this corner of the world, happily for us, we see few atrocious acts of cruelty, and are strangers to that fierceness of temper and unfeeling disposition which prevails very much in other quarters of the globe. The people we converse with are in general mild and humane; and have an external politeness and softness of manner, which we suppose to be the natural effect of these qualities: and wherever we meet with that external appearance in any man, we are apt to persuade ourselves that he is possessed of these virtues; but in fact they have no natural connection in themselves, and we often find that those who are of an insinuating, soft, and engaging manner, conceal more cruelty and inveterate hatred in their tempers, and have less of real sensibility for the distresses of others, than men of a very different external appearance: men whose manner appears full of warmth and passion, have generally more real tenderness and humanity than others who are calm, cool, and collected in their behaviour.

But how ought the character of Mr. Hastings to be tried? We cannot judge of it from what any persons in India can tell of him. There is, in my opinion, a much more certain

mode of judging—from his despotism in India. Uncontrolled power always corrupts the heart, renders a man hardened to the distresses of others, and destroys the finer feelings of the mind. No man has ever been able to enjoy great power without being made worse by it; but the true mode of judging of any man's character is by his actions, and the effect of his actions. I read Mr. Hastings's character in the ruin of Hindostan, in the desolation of the country of the Rohillas; these mark a character extremely different from the accounts presented to us by partiality, or particular habit. If Mr. Hastings had possessed the feeling which it is alleged he does, would he not have reflected before he committed an army, powerful enough to do any mischief, under the direction of such a prince as Sujah Dowlah; whose cruel and perfidious disposition was sufficiently known to him?

It is said, you are not to consult the character of the princes with whom you are engaged. But you ought to consult them so far as to know the length to which you can put confidence in them; and knowing the character of Sujah Dowlah, Mr. Hastings undoubtedly deserved much blame for suffering him to possess so great an authority over the British troops; and he ought most certainly to have given the strictest orders to prevent his exercising any cruelty over the inhabitants of that devoted country, which he had suffered them to attack. But, on the contrary, we find Mr. Hastings exciting Sujah Dowlah to the full accomplishment of his purposes, and afterwards giving up the devoted Rohillas to the will of this tyrant.

In every light in which I can view this war, it appears to me equally indefensible, equally disgraceful to the character of this nation. I think it leads to every thing that is bad; and if the principle of this transaction should be approved of by this House, the governors of India will have little restraint upon their actions, and certainly will believe it unnecessary to observe any other laws than those which rapacity and violence may dictate.

An honourable gentleman was pleased to blame my right honourable friend for charging Mr. Hastings with a transaction which passed so many years previous to this period; but he ought to recollect, that this is not the first time the Rohilla war has been condemned, and that severely too. We have upon the journals of the House a specific resolution against the Rohilla war, censuring it in as severe terms as can be made use of, framed and passed on the motion of the learned gentleman (Mr. Dundas) who is desirous of treating all that system which he had so strenuously maintained at a former period, as a mere chimera. For it is not this resolution alone,

but that whole plan, that code of laws esteemed so necessary to the government of India, which is wholly overturned by the approbation of this transaction; they must remain so much dead letter; a monument of the zeal of their author who now has abandoned what he once so eagerly contended for, and has displayed an example of inconsistency scarcely equalled in the political history of this country. If the resolutions which the learned gentleman brought forward had any meaning; if they were to be taken in their obvious sense; in the sense they were by all at the time of their being brought forward understood; they certainly amounted to a full and total reprobation of the measures carried on in India by the governor general, Mr. Hastings: they pointed out the necessity of a change in the whole of the mode of administering our affairs in that part of the world, and by being adopted by this House, we have become pledged to see them put in execution. This is the first opportunity we have had of shewing our determination to enforce them, and if this is omitted, it will be justly considered as an entire relinquishment of the plan of moderation and equity we thought so necessary at that time to establish.

What colouring the learned gentleman can possibly give to his behaviour, it is impossible to conjecture. After having so solemnly bound himself to carry on this inquiry, to evade it in the manner he has done, is too shameful to admit of apology. Can he assert that he did not mean that Mr. Hastings should be charged with the crimes he has imputed to him? Did he intend to calumniate him in his absence, and when Mr. Hastings had an opportunity of defending himself, to shrink from the accusation, and leaving the stigma which he had thrown upon that gentleman to remain, to refuse to give him an opportunity of vindicating his innocence?

Where would be the injury to Mr. Hastings, of sending up an impeachment against him? Where is the danger? In that assembly, where all the law, the religion and the justice of this country is collected, it is impossible any injury can be suffered. A fair and equitable trial of the business must take place, and the culprit have it in his power to vindicate himself from the charges which have been made against him.

These resolutions brought up by the honourable gentleman, undoubtedly were intended to be a pledge that a charge would be made against all who had disobeyed them, and that it would be carried into effect by this House of Commons. There are only three modes by which any man can be charged by this House: two of them are disapproved of: why should not the remaining one have its fair operation? But it is said, there should be some fixed marks of parliamentary dis-

grace upon Mr. Hastings, it is too much to impeach him.—But how is this to be done, without inquiring into the crimes of which he is accused, and passing some opinion with regard to them? Would you condemn him without suffering him to be heard at the proper bar? It is true, an impeachment by the Commons of England is a charge of great solemnity, and much weight, yet it is no condemnation. The House possesses no judicial sentence; it only, in this instance, follows up what is laid down as the rule to which it was to adhere, with regard to our servants in India. But to-night we pass no resolution of impeachment, we decide only upon the crime; the former must be left to an after consideration of the whole, not any particular part of his measures.

Let the whole of the conduct of Mr. Hastings be met fully, and without evasion; let it be examined with firmness, and with a determined purpose of asserting the principles of moderation and equity we have held out to the world, and upon the maintaining of which, the stability of our footing in India must undoubtedly exist. If our views of administering government in India are changed; if we believe that those resolutions which were framed with an unanimity not always to be expected, and at that time very uncommon in this House, were not founded in good policy, nor in justice, let us declare it to the world. I call upon the learned gentleman to whose labours we are so much indebted, and to whose exertions we owe all that system this House has pledged itself to establish, to come forward, and with manliness and spirit move that they be erased from the journals of this House. Why do they remain enrolled an evidence of the impotence or of the folly of those who ought to be the guardians of the justice of the nation?

But the right honourable gentleman says, he intended only that Mr. Hastings should be recalled. He determines, in May 1782, that Mr. Hastings should be recalled—Mr. Hastings did not arrive in England until 1785. The right honourable gentleman was no short time in office before the recall was thought of; time for reflection had been gained, and he found that he had been too zealous. But he had proceeded too far to retreat; he therefore at length determined to recall Mr. Hastings, and he did recall him—with thanks, with approbation, and with every mark of favour and protection that a minister could bestow. Is this the effect of the boasted reformation in India? Is this the earnest of the new system of eastern government, which was to produce so much happiness and prosperity in that part of the world? Is this an example of the boasted determination of ministers to punish Asiatic crimes?

An honourable gentleman (Mr. Grenville) has been pleased to speak of the bill which I brought into this House, with regard to that part of our dominions, with some severity, and has described it as a bill that will be long remembered in this country. I hope it will not soon be forgotten. It may be thought that on this point I feel sore. I own I do not think it wise on their part, to mention this matter now: no part of that business can redound much to their honour. The bill which they have framed, has been renewed and amended, until it scarcely bears the resemblance of the original form. I do not wish to call up this subject, but I know what I owe to myself. I must take this opportunity to declare, that the bill to which the honourable gentleman alludes, I esteem the most important measure of my life. The principle on which it was built, I am satisfied, is that alone which is capable of maintaining order, and preventing abuse in the government of those distant territories. Long had I revolved in my own mind, the plan of which I am now speaking; and when I came into office, I did not feel easy until I had attempted to bring into existence, what I held so essential to the right administration of our government in that part of the world; and until I should accomplish it, I felt I had not done justice to India.

An honourable gentleman (Mr. Jenkinson) has thought proper to arrogate merit to himself, in having rendered abortive the system which I proposed, and has been pleased to boast of his influence in contributing towards its overthrow. It is, indeed, an influence which you have all felt; it is a rod which has severely chastised this country; which has brought it to the brink of ruin; inclosing all things in concealment and disguise, it still continues to spread its baneful effects over the measures of the government of this nation. But long as this has been suspected, persevering and forcible as has been its action, never until this day has its existence been avowed, and made a subject of undissembled boasting. The honourable gentleman, indeed, is right to make himself formidable by something. He possesses knowledge and industry; but if his influence was not more powerful than his argument and his consequence in this House, and in this country, it would speedily find its own destruction, and be reduced like them, to less than nothing.

But how much soever the honourable gentleman may make a triumph of his power in the instance to which I allude, I can assure him I feel myself very little personally affected by it; and I do declare that unless I had been able to accomplish the great point to which I had bent all my thoughts, I would not have remained one day in office. Had I accomplished it,

I would not have left India in that forlorn state, in which I think it is now left, abandoned to the management of men incessantly driven from one object to another; appearing determined now, and again deserting their ground; and every thing at last failing them, they have been forced to rest all their hopes upon the virtues of a single man. I will venture to foretell, that this measure will be found as little effectual, for the purposes wanted in India, as the other schemes they have held up to deceive the public.

Perpetual, constant, strict responsibility to this House, is the only way in which it is possible to govern, with justice and with effect, these distant possessions. It is in this way only we shall be able, and it is upon these conditions alone that we have a right to preserve them. It was on these principles that I founded my bill, and I am still confident they are the only principles that can impart stability and rectitude to that part of the administration of the empire. I know that the measure was by some persons loudly execrated and condemned; but I take this opportunity of declaring that whatever others may think of it, my opinion is only more and more confirmed of its propriety and necessity. The principle of that bill it is my ambition to have considered as the object which, above all others, I think the most necessary for this country to attain. Those who opposed it have passed another, different in form, and founded on very different maxims. What have they done? They have passed one bill one year, another bill another year; and we see them driven about from one principle to another, until they scarcely themselves know upon what they are proceeding.

The whole government of India rests upon responsibility. This is the grand object to which our attention should be directed. And let me ask, how is this to be effected? If, in every instance, and at every point of time, you have not the means of enforcing this principle, it is not possible the government of this country can be preserved in its purity in the east. You have no other hold of the people whom you send out to that part of the world, but by placing them in such a situation, that every thing they do is to be canvassed and inquired into, and if criminal, punished with severity. If you lose sight of this for a moment, your power over that country is gone. If a bad act is committed, what can you do? You threaten, and you recall, you appoint committees, and prepare all the apparatus of punishment. This consumes time; and with regard to that part of the world, thirteen months are thirteen years. Before you can bring this man before you, something may happen that will be a set-off, and the whole may at once vanish away. The inquiry will be silenced, and

affairs go on in the same wretched train in which they hitherto have been conducted.

People are greatly mistaken if they imagine there can be the responsibility in India that there is here, and by similar means. In this country facts can be got at with ease; the conduct of men is under the public eye, and if they betray the trust reposed in them, it is possible to come at the means of detecting their guilt. But how are you to procure evidence of crimes committed in so distant a country? The time necessary for such a purpose would suffer any mischief to be carried on, perhaps to the total ruin of our possessions.

I would have strict, literal, and absolute obedience to orders, in all those whom I entrusted with the administration of government in that country; that we might know the ground upon which we were treading, and be able to form some judgment of the real state of our affairs in that part of our possessions. This House has already passed certain resolutions, and has pledged itself to see them put in execution; an opportunity is now presented, the matter is now in issue, and if it is suffered to fall to the ground without a spirited and a firm examination, all inquiry may sleep for ever, and every idea of punishment be buried in oblivion.

This is, as I have said before, a matter of the utmost importance, and one which admits not of delay. If these principles are founded in truth, justice, and good policy, it is incumbent on you to lose no time to bring them into effect; and, by a striking example, to convince the world that the principles of equity and moderation, which you have held out, were not intended to deceive; and that you did not begin the work of reformation without being determined to carry it on until it should have its full effect, by restoring happiness, and preventing oppression throughout our dominions in Asia.

I have thought it proper, Sir, to shew the House that my opinion is not altered, and to declare that I do not see any thing hitherto done which is in any respect likely to place our affairs in that quarter upon a stable and prosperous basis. Deeming, as I do, the affairs of India to be weighty to the last degree, I trust I need make no apology for endeavouring to impress upon the House the only mode of governing these possessions, that I am confident can ever be attended with success, namely, that of responsibility to this House. With this principle the present inquiry is most intimately connected. If you suffer it to be evaded, an abandonment of all control over your people in India must undoubtedly follow. Mankind will always form their judgments by effects; and observing that this man, who has been the culprit of this nation, and of this House, for a series of years, is absolved, without a

regular trial of his crimes, they will easily conclude, that another may find the same mode of coming at protection, and that fear of punishment need not, at any time, interrupt the pursuit of gain.

I would again, Sir, before I sit down, shortly revert to the matter immediately before us. The principles of morals are to be drawn from books, and from the tongues of men, not from their actions. The fact is, indeed, too true, that men have in all ages been little governed in their actions by equity and justice; but seldom has it happened, that they have openly avowed that they have not been directed in their conduct by rules so generally established as the foundation of all intercourse among mankind. The war against the Rohillas carries with it so great an abandonment of all the great leading principles of morality, that it is astonishing that any man can attempt to defend it. We should reflect that our character is at stake — and undoubtedly we should preserve that fair and unsullied. It is natural to trust in a fair character; and when that is lost, all confidence is carried with it.

We should consider that Mr. Hastings himself does this. He acts upon the character of nations: he states the character of the Rohillas as a reason for their being exterminated. If we were to go on this principle, and exterminate every nation of that description, we should soon leave the face of the earth thinly inhabited; and I am afraid our own country would not be able to stand up with much confidence in defence of its own character, if it should give its assent to such barbarous doctrines. But there was nothing in the character of the Rohillas to excite the indignation, or draw down the resentment of any nation, much less of Great Britain. They were a brave people, and, what is singular, the only free people in India. They governed the country of which they were possessed with a mildness of which its very flourishing condition, so as to be called the garden of Hindostan, is an undeniable proof; they were endowed with all those national virtues which Britons have been accustomed to admire, and which form a strong chain of connection between countries which enjoy the blessings of liberty. Ought not such a people to have met with sympathy and regard in the feelings of this nation? Ought not a cause such as theirs to have interested a British bosom? To mark out such a people as the objects of avarice, as the victims of unprovoked resentment, or to abandon them to the rod of tyranny and oppression — what conduct could be more derogatory to the character of a nation which enjoys the influence of liberty? What mode of procedure could be more disgraceful to the honour and humanity of the British name?

An honourable gentleman (Mr. Grenville) has spoken of the religion and tenets of the Rohillas as an argument for their destruction. I think he said, they were of some particular sect of musselmen, the sect of Omar, and different from Hindoos, the original inhabitants of the country. Men, Sir, have been persecuted on account of their religion; but that an argument of this kind should be made use of at this time of day, to palliate the crime of exterminating a nation, is a matter I do not understand. Of what consequence is it to the question of the justice of the war, whether their tenets or their practice differ from those around them? I am indeed sorry to hear such doctrine as the justice of this war, defended by a young man, who, from his situation in office, gives us reason to dread, that on principles like these, the new government in India is to be established.

The whole of this business is now before you. You are now to decide, and I call upon you to reflect, that the character, the honour, and the prosperity of this nation depends on your decision. I have appealed to what is called the passions, that is, the indignation of mankind against enormous guilt, against violence and oppression. It has been my opinion, that we ought, in this manner, always to feel with regard to Indian delinquents. The people of Hindostan have a claim upon our protection, upon our pity, and their distresses call loudly for vengeance upon their oppressors. Sixty thousand Rohillas driven like a herd of deer across the Ganges from their houses and from their lands, to perish through want of subsistence, or depend on the precarious bounty of nations with whom they had no connection; these circumstances excite you to take vengeance on those who have abused your authority, and tyrannized over them! The Begum and other women, and the princes of that wretched nation, who, in vain, pleaded for relief from the hands of your servants, call upon you to vindicate your own character, and to let the guilt fall upon those who have deserved it.

We ought, it is said, to be counsel for the prisoner. If a man is not able to plead his own cause, it is right to allow him every indulgence, and to put it in his power to bring forward a fair state of the circumstances of his case. Truth is the object which we wish to grasp, and every mode of bringing that before us is to be attended to. My duty is, when I find great crimes, to state them, and that not merely on my own authority, but from the accounts of those who were eye witnesses. It is our duty to bring a culprit to justice. Mr. Hastings is the culprit of the nation. He has infringed our orders, and we have bound ourselves to call

him to account. Whatever may be his services, they cannot be pleaded here: they never can be considered as preventing his offences from being inquired into: if he is guilty, he ought to suffer the punishment due to them.

My right honourable friend has brought forward his accusations openly and boldly. He did not basely slander Mr. Hastings, when he was not present, and then meanly hide himself behind some pitiful evasion; but he has come forward with his charges to his face, and given him a fair opportunity of clearing his innocence to the world. Mr. Hastings has declared his wish to meet it. Why, then, will you not suffer it to take its regular course? I say again, where is the danger? Where the injury? Nothing but good can result from it to your government in India. Lord Cornwallis has been just sent out, with powers greater than were ever entrusted to any governor. By what rule is he to frame his conduct? Are those which have been laid down, and are now disapproved of by this House, to regulate it? Or is he to govern himself by the example of Mr. Hastings, of whose management this House must, if they acquit him on this business, be supposed to approve?

My right honourable friend has singled out this transaction, because it has two features, which strongly mark the political conduct of Mr. Hastings; — contempt of the orders of his superiors, and an entire disregard of all principles of justice, moderation, and equity. These pervade all his actions, the whole system of his conduct, and appear to have taken entire possession of his mind. This transaction with Sujah Dowlah, and this war against the Rohillas, will give you an idea of his character, much better than any words can display it. These two characters are alleged to be contained in this charge which is brought against him. It remains for you to decide. And allow me again to intreat you to remember, that you are not pronouncing merely on the merits of an individual, but you are laying down a system of conduct for all future governors in India. The point is at issue. Your decision is most serious and important. I pray to Heaven it may be such as will do you honour!

At half past seven in the morning the committee divided, when there appeared for the motion 67: against it 119.

Articles of Charge against Mr. Hastings — Benares Charge.

June 13.

THE order of the day for going into a committee on the charges against Warren Hastings, esquire, having been read, the Speaker left the chair, and Mr. St. Andrew St. John took his seat at the table.

Mr. Fox then rose, and began a most able and eloquent speech with observing, that as something like censure had been cast on his right honourable friend, Mr. Burke, when the committee were last assembled, for having introduced a considerable deal of preliminary matter, generally allusive to the subject of the several charges, not then under immediate consideration, but, in his mind, extremely pertinent and extremely essential, and as he was convinced, that if censure could be at all deservedly imputed to his right honourable friend on such an account, it might with much more foundation and propriety be imputed to him, where he to attempt to take up the time of the committee, with again going into the discussion of any topics not immediately connected with the subject to which he meant that day to call their attention; he, therefore, would make no preliminary observations whatever, but proceed directly to the matter upon which he meant to found the motion, which he should have the honour to offer to the committee, namely, to the third charge; — to that relative to the conduct of Mr. Hastings respecting Benares.

The committee, he trusted, as well from the preliminary remarks and arguments of his right honourable friend, as from what had passed within those walls, were so far familiar with the subject of all the charges, that he should find it no very difficult task to make them perfectly masters of the facts to which he meant to draw their attention. He would begin with the year 1770, in which Bulwant Sing, the Prince or Zemindar of the province of Benares, died, and the presidency of Calcutta interfered through the medium of Captain Harper, to procure a confirmation of the succession to his son, Cheit Sing, and an agreement was entered into between that Rajah and the Vizier Nabob of Oude, of whom he purchased, for valuable considerations, his right and inheritance in his zemindary, or by whatever other name it might be called. When Mr. Hastings came over as president of the

supreme council of Calcutta, he found Cheit Sing in possession, and in 1773, in the month of October, he was, by a sunnud granted to him by Sujah Dowlah, obtained by the instance of Mr. Hastings, acknowledged zemindar of the province. In 1774, the governor general and council appointed by act of parliament, obtained the sovereignty paramount of the government of the province of Benares; and to obviate any misconstruction of the treaty, with regard to the tenure of the Rajah of Benares, Mr. Hastings himself proposed at the board, that whatever provision might in the said treaty be made for the interest of the company, the same should be "without an encroachment on the rights of the rajah, or the engagements actually subsisting with him." On the transfer of the sovereignty, Mr. Hastings proposed a new grant to be conveyed in new instruments to the Rajah Cheit Sing, conferring upon him farther privileges; and these were the addition of the sovereign rights of the mint, and of the right of criminal justice of life and death; Mr. Hastings proposing the resolution for that purpose in council, in which were these words, "that the perpetual and independent possession of the zemindary of Benares, and its dependencies, be confirmed and guaranteed to the Rajah Cheit Sing and his heirs, for ever, subject only to the annual payment of the revenue hitherto paid to the late vizier, &c. That no other demand be made on him, either by the Nabob of Oude, or this government." This resolution clearly established the independency of Cheit Sing, and shewed it was the aim of Mr. Hastings to make him independent. Mr. Fox also read farther in confirmation of this, the following article of the treaty proposed by Mr. Hastings, on the 5th of July 1775; "That while the rajah shall continue faithful to these engagements, and punctual in his payments, and shall pay due obedience to the authority of this government, no more demands shall be made upon him of any kind; nor on any pretence whatsoever shall any person be allowed to interfere with his authority, or to disturb the peace of his country." Which article was by the other members of the council assented to.

The committee would, therefore, please particularly to carry in their mind, that Cheit Sing had been declared independent, at the express instance of Mr. Hastings, that it was actually stipulated, that no more demands should be made upon him, besides his annual tribute, and that the stipulation might be the more clear and intelligible, the words "of any kind" had been added. And yet, shortly after the deaths of Sir John Clavering and Mr. Monson, Mr. Hastings, without any previous general communication with the

board, by a minute of consultation, made an extraordinary demand on the rajah of five lacks of rupees. Exorbitant, indeed, was this demand, and incompatible with the stipulated terms of the rajah being declared independent in 1774! How were the words "no more demands of any kind" to be interpreted? And by what principle of construction was the meaning of the stipulation to be made to bear out this? The demand, however, was made, and the rajah murmured at it, and begged that he might be permitted to pay it by instalments, and with his quarterly payments; but Mr. Hastings peremptorily insisted on its being paid by a certain day, when it was accordingly paid, though on the express condition that the exaction should continue but for one year, and should not be drawn into precedent. Notwithstanding this, the same demand was repeated a second year, and, after some fruitless murmuring and complaint on the part of the rajah, paid; a third year a like demand was made, and in like manner satisfied. Various and extraordinary were the circumstances of vexation and despotism, under which these several demands were made, such as a threat at one time, to march the English company's forces in to the province of Benares to compel payment, &c.

Mr. Fox stated Mr. Hastings's defence of himself against these facts, and argued upon both the charge and the defence collectively and comparatively. He next spoke of the requisition for all the cavalry that Cheit Sing could spare; and observed, that General Clavering had by a minute recommended it to the rajah to keep up two thousand. From whence he inferred, that Cheit Sing was left at his discretion to keep up as many as he chose, and to send that number only which he could spare. Mr. Hastings, however, afterwards demanded, through his agent, Mr. Markham, two thousand, afterwards fifteen hundred, and, after that, he lowered the requisition to one thousand. But Cheit Sing sent word, that he had but thirteen hundred, and offered only five hundred, declaring that he could spare no more, but at the same time substituted in lieu of the remainder five hundred matchlock men. Upon this, Mr. Hastings said, in his defence, "my patience was exhausted by such repeated acts of contumacy"—an expression the absurdity of which might be unanswerably exemplified, by recapitulating the facts to which it applied. Mr. Hastings, after stipulating that no more demand of any kind than the annual tribute should be made upon the rajah, demanded first five lacks of rupees, which were paid, but with some murmuring; he next demanded five lacks more, which were also paid, though with some murmuring; he again demanded a third five lacks, and these

again were paid. He then called for two thousand cavalry. Cheit Sing sent him word he had but thirteen hundred, and those distributed through his territories; that he could spare no more than five hundred, and those he should have. Would ever mortal have construed such conduct as this into contumacy but Mr. Hastings, who says, "his patience was exhausted by such repeated acts of contumacy;" and adds, that "he determined to convert them into an advantage for the company's affairs." Mr. Fox upon this monstrous determination reasoned with great warmth and energy, appealing to the committee whether they ever before heard of such an idea as punishing men, not for the great end of all punishment, example, but—in order to convert it into an advantage for his employers! Mr. Fox put this in various strong points of view, and having here impressed the several facts he had stated very forcibly on the minds of the committee, proceeded to mention Mr. Hastings's determination to levy a fine of forty or fifty lacks of rupees upon Cheit Sing for the imputed contumacy, and his journey to Benares for that purpose. He spoke of his conduct on his arrival in terms of severe reprobation, declaring, that his language and conduct to the rajah was rude and insolent in the extreme. Soon after his arrival he caused Cheit Sing to be put under an arrest in his own palace,—an instance of unparalleled indignity; for what would be thought of any tributary prince in Europe being arrested in his palace by the order of the sovereign paramount? Would not his authority be lost for ever? This whole proceeding provoked Mr. Fox's execration: he condemned and denied the right of Mr. Hastings to levy and fine; and contended that there was no ground for such an unwarrantable stretch of power, since the conditions of the stipulation had been all complied with, the rajah having continued faithful in his engagements and punctual in his payments, and having paid due obedience to the authority of the British government. He ridiculed the three rights to fine the subordinate princes that Mr. Hastings had, in his defence, laid claim to. The first of these was, he said, the right derived from Sujah al Dowlah of fining in case the mint was abused; the second was that of imposing a fine for investing, upon every new possession of the zemindary. This, Mr. Fox observed, was a miserable cavil, and a gross perversion of the word fine, since nothing was more distinct and different than the meaning of it in the two senses here mentioned; and the third right was, he declared, still more extraordinary. In 1764, Bulwant Sing, father of Cheit Sing, departed from his loyalty and joined Meer Jaffier and the English, against Sujah al Dowlah, when the latter, as Mr. Hastings stated in his

defence, "would probably have fined him" had not the English protected him and prevented it.

Mr. Fox diverted himself for some time with the idea of what Sujah al Dowlah "would probably" have done, had not the English prevented him. He pressed also upon the committee the declaration of Mr. Hastings, that according to the institutes of Jengheez Khawn or Tamerlane, the rights of the subject are nothing, while the power of the sovereign is every thing, and urged the injustice of such a despotic maxim with great energy. He next took notice of the inordinate vanity and presumption of Mr. Hastings in saying, that if Cheit Sing was a great prince, he as his sovereign, was a great king. In order to shew the absurdity of this, he put the case thus: Suppose the Emperor of Germany were to send an ambassador to the Elector of Hanover or the Elector of Brandenburgh, and he were to tell either of them, "if you are a great elector, I am a great emperor." Having pushed the ridicule to some extent, he returned to his narrative of what had happened at Benares, and stated all the facts of the ill treatment of the rajah, subsequent to his having been put under an arrest, to the massacre of the British, and the escape of Cheit Sing.

Mr. Fox after having gone through the whole of the facts, proceeded to take notice of the fourth and fifth articles of the charge which he said he should speak to shortly, considering them rather as matters of aggravation, superadded to the treatment of Cheit Sing, than as charges of much importance themselves. He then stated all the circumstances that took place at the castle of Bidgigur, and of the inducements to plunder, held out by Mr. Hastings to the soldiery, descanting on the mischievous consequences of such a practice, a doctrine for which he declared he had the authority of Mr. Hastings himself, who some years before had written a declaration that "the very idea of prize money suggested to his remembrance the former disorders which arose in their army from that source, and had almost proved fatal to it. Of this circumstance you must be sufficiently apprized, and of the necessity for discouraging every expectation of this kind amongst the troops; it is to be avoided like poison, &c." Having thus proved how very contradictorily Mr. Hastings had behaved in that respect, he mentioned the strange sort of affidavits and depositions that were made for the purpose of imputing suspicions of disloyalty and designs to rebel to Cheit Sing. One of these from a person deeply interested in the ruin of the rajah he read, to shew the House that almost all the allegations it contained were on hearsay evidence only.

Mr. Fox came at last to the fourth and fifth articles, and

stated the appointment of Derbege Sing to act as representative of the abdicated rajah, and his being soon afterwards deprived of his office, and thrown into prison, and the administration of affairs given to Jagher Deo Seo, who levied and collected the revenue with extraordinary severity to the great oppression of the natives. He also read the celebrated letter to the council at Calcutta, from Mr. Hastings at Lucknow, which was deemed so disgraceful to the British government; and he appealed to the common sense of the committee, if it was to be wondered at that Jagher Deo Seo should be rigorous in his collection of the revenue, when it was considered what an example Mr. Hastings had held out to him?

After having circumstantially gone through the whole, and applied a great deal of reasoning as he proceeded, in order to elucidate and enforce the criminality of the facts, he at length appealed to the honour and justice of the House, to decide by their vote of that evening, whether they chose to be considered as the avengers of those oppressed by Mr. Hastings, or his accomplices? There was, he declared, no alternative. They must either appear as the one or as the other. He recollected the language that had been held in 1782, when that code of laws, the resolutions were voted, and when it had been well said by an honourable and learned gentleman opposite, (Mr. Dundas) that Mr. Hastings scarcely ever left the walls of Calcutta, that his steps were not followed with the deposition of some prince, the desertion of some ally, or the depopulation of some country. How oddly, then, must have sounded in his ears, the arguments in justification of the Rohilla war, that had lately come from the bench on which the learned gentleman sat—arguments that appeared to him to be the voice of the directors and proprietors of old defending those servants who had disobeyed their orders, and disgraced the British character by their rapine and injustice, but had taken care to make the company sharers in the spoil, by remitting home the produce of their plunder in investments, so as to ensure a good dividend to the proprietors!

There had been, he acknowledged, something like a colour for the vote the committee had come to respecting the Rohilla war; the extreme distance of the time at which it happened, the little information the House had of it till of late, the alleged important services of Mr. Hastings since, (though he maintained that they were neither meritorious nor services), and other causes and justifications; but there were none such to be urged against voting on the present occasion. The facts were all of them undeniable, and they were atrocious, and they were important; so much so, that upon the vote of that night, would, in his mind, the fate of Bengal depend.

Happy was it for them that they could plead ignorance of East India affairs for so long a period! It was the best salvo for their honours, and could be advanced with confidence as an argument, that the individual servants of the company alone had been guilty of all the enormities that had disgraced and disgusted Indostan, but that they had neither participated in the guilt, nor approved of the principle upon which it had been carried on. The facts had now been brought before them, and that in so able, so clear, so comprehensive and intelligible a point of view, that they had no longer their former plea to fly to for an excuse. They must do something, and they might rejoice that the happy hour was arrived when they might make the distinction manifest to all the world, between the enormities committed by individuals, and the sense of a British House of Commons, as to the system under which those enormities have been committed. From their vote that night, France and all Europe would learn what the system of government was, that they chose to be carried on in India, and it would be seen whether they determined, upon sufficient proof of this guilt, to reprobate oppression and punish the oppressor. He never would be the advocate of despotism, but he had, he said, often heard it argued, that the happiness of a people was secure, where the despot's mind was virtuous. He never had heard it contended, that the most despotic had a right to use his power for the misery of those under him, and not for their happiness. He thanked his right honourable friend, therefore, for having brought the charges forward. In one shape or other, they must have been subjected to discussion; and, let the House in general decide as they thought proper, what had passed would prove, that there were Englishmen who did not avow those principles which had originated in the corrupt heart of a most corrupt individual; but that they set their faces against them and execrated the conduct, which had been marked with the most gross oppression, inhumanity and injustice. Nor was it in his mind, Mr. Fox said, enough that the House should content itself with the punishment of an oppressor, it ought also to make atonement to the oppressed. He heartily wished, therefore, that all that had been taken from individuals could be restored; but as that necessarily could not be proceeded upon just at present, he should, till an oppoftunity offered, content himself with singling out an offender for justice.

Mr. Fox emphatically repeated, that they must appear either as the avengers of the oppressed or the accomplices of their oppressor. He hoped they would not confess themselves the accomplices of Mr. Hastings, but would assume the nobler character. He added an infinite number of warm appeals to

the feelings of the committee, and before he sat down, moved "That this committee, having considered the third article of the charge of high crimes and misdemeanours against Warren Hastings, esq. late governor general of Bengal, and examined evidence thereupon, is of opinion, that there is ground for impeaching the said Warren Hastings, esq. of high crimes and misdemeanors, upon the matter of the said article."

Mr. Pitt concurred with the motion, but upon very narrow ground. He thought that the demands made upon the rajah went beyond the exigence of the case, and that Mr. Hastings had pushed the exercise of the arbitrary discretion entrusted to him beyond the necessity of the service. The conduct of the minister on this occasion drew upon him much calumny from the friends of Mr. Hastings; they did not hesitate to accuse him out of doors, both publicly and privately, of treachery. They declared it was in the full confidence of his protection and support, that they had urged on Mr. Burke to bring forward his charges; and that the gentleman accused had been persuaded to come to their bar, with an hasty and premature defence: and they did not scruple to contribute this conduct in the minister to motives of the basest jealousy. Nearly the same persons took a part in this debate as in the former, and it was carried by a majority of 119 to 79.

ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.

January 23. 1787.

ON the 23rd of January, his majesty opened the session with the following speech to both Houses:

"My lords and gentlemen; I have particular satisfaction in acquainting you, that since I last met you in parliament, the tranquillity of Europe has remained uninterrupted; and that all foreign powers continue to express their friendly disposition to this country.—I have concluded a treaty of navigation and commerce with the most christian king, a copy of which shall be laid before you. I must recommend it to you to take such measures as you shall judge proper for carrying it into effect; and I trust you will find that the provisions contained in it are calculated for the encouragement of industry and the extension of lawful commerce in both countries, and, by promoting a beneficial intercourse between our respective subjects, appear likely to give additional permanence to the blessings of peace. I shall keep the same salutary

objects in view in the commercial arrangements which I am negotiating with other powers.—I have also given directions for laying before you a copy of a convention agreed upon between me and the catholic king, for carrying into effect the sixth article of the last treaty of peace.

"Gentlemen of the House of Commons; I have ordered the estimates for the present year to be laid before you; and I have the fullest reliance on your readiness to make the provision for the several branches of the public service. The state of the revenue will, I am persuaded, continue to engage your constant attention, as being essentially connected with the national credit, and the prosperity and safety of my dominions.

"My lords and gentlemen; A plan has been formed, by my direction, for transporting a number of convicts, in order to remove the inconvenience which arose from the crouded state of the gaols in different parts of the kingdom; and you will, I doubt not, take such farther measures as may be necessary for this purpose. I trust you will be able this session to carry into effect regulations for the ease of the merchants, and for simplifying the public accounts in the various branches of the revenue; and I rely upon the uniform continuance of your exertions in pursuit of such objects as may tend still farther to improve the national resources, and to promote and confirm the welfare and happiness of my people."

On the usual address being moved by Lord Compton and seconded by Mr. Matthew Montague,

Mr. Fox rose and declared, that there was not in the speech nor in the address one sentiment which he did not fully agree with, nor which he was not ready to avow. Indeed, he should have been exceedingly sorry had there been occasion for any difference of opinion respecting an address beginning with expressions of congratulation to his majesty, upon an event, in the failure of which every man, of every party and description, both within and without those walls, must be of one and the same mind, and must cordially and sincerely join in the most heart-felt joy and satisfaction. He was glad, therefore, that the address had been so properly worded, that it did not call for opposition or objection of any sort, since, without pledging the House to an approbation of the treaty of commerce, or to any future vote upon the subject, it barely returned thanks for his majesty's gracious communication of the fact, and promised to consider it, when properly before the House, with the attention which a matter of such infinite importance well deserved.

That being the case, and as from the subject of the early part of the address, it must be to be wished, that such an address should pass *nemine contradicente*, he assured the House he would not object to it, and that, in all probability, he should have contented himself with giving his silent vote on the ques-

tion then before the House, had not something fallen from the noble lord and the honourable gentleman, who moved and seconded the address, and particularly from the latter, that looked so like grasping at general principles, as the principles upon which the commercial treaty was to be maintained, that he thought it necessary to rise then, and in as few words as possible, take some notice of those principles, which he would do in a general manner, without entering at all into detail upon the treaty, which he was well aware was neither properly before the House, nor then under discussion, but which he would give his sentiments upon at a future opportunity.

The noble lord who moved the address, and the honourable gentleman who seconded it, had contrasted the uncertainty of war with the solid advantages of peace, and the substantial benefits of commerce with the destructive means of conquest, as if it were a fact, that this country had ever gone to war for the sake of extending dominion, or gratifying a lust of power, and an inordinate ambition. The fact, he declared was notoriously otherwise, and he was enough of an Englishman to rise in vindication of his country, and assert in that assembly, and he would assert the same in an assembly appointed to hear the cause of nations, were it possible for such an assembly to exist, that in all our wars—all our late wars at least—this country had not gone to war for the sake of ambition, nor with a view to acquire extension of dominion, but had been forced to take up arms either in her own defence, or for the sake of defending the liberties, and balance of power of Europe, endangered by the over-weening pride of France, and her alarming endeavours to grasp at the government of all the European powers of this quarter of the globe. This, any one who looked into the history of this country, would find to be the true state of the case; he therefore denied, in the most unequivocal manner, that any insinuations to the prejudice of this country, as if she had heretofore gone to war for the mere sake of triumph and of conquest, had any, the smallest foundation in truth. Every man knew, that peace was preferable to war; commerce preferable to conquest: it would be highly preposterous to advance an opposite opinion; and upon that principle, had the government of this country been uniformly conducted for the last century.

After dwelling upon these points for some time, with his usual warmth and energy, Mr. Fox adverted to the treaty with France, upon which, he said, he had not yet made up his mind; nor was it possible for him so to do, until the treaty was not only properly before the House, but until he had heard from his majesty's ministers a full explanation of the real character of the measure. He was not yet aware whether

it was to be considered as a treaty having a political tendency, and calculated to operate in the manner of an alliance with France, or whether it was to be considered as a treaty merely commercial, and as having no other effect than the establishment of a commercial intercourse with the neighbouring kingdom. In one or other of these lights the treaty must have been made, and in one or other of these lights must ministers mean that it should be regarded; but, then, it could be considered in one of these lights only, and not in both. One of them must be denied, and the other avowed: one defended and the other disclaimed. Not meaning to go into the treaty then, and not having the information that ministers possessed, it was not in his power to say which of the two descriptions was the proper one; but thus much he was willing to say beforehand, and without any further information on the subject; namely, that he should be much better pleased if ministers were to declare that they meant it merely as a commercial treaty, and that France understood it as such, and as such only. In that case ministers would have to prove, that it did not provide a new channel of commerce at the expence of all the other ancient channels, which this kingdom had long been in possession of, and which had been found to be sources of commercial wealth and prosperity. If, on the other hand, ministers avowed that the treaty was meant as a political measure, and that they had in view that sort of connection that should render it more difficult for France and this country to go to war than heretofore, they then would have to shew strong and satisfactory reasons for their having pursued and concluded a measure so new in the annals of this country, and of such infinite magnitude and importance.

Mr. Fox took a general view of the conduct of France towards this country, and towards all the powers of Europe. He desired it to be remembered, that France had only changed her means—not her end. Her object had uniformly been the same, though her system of acting was different. In the reign of Louis the fourteenth, the aim of France was open and avowed; the means she employed to attain her end, offensive, arrogant, and shameless. She had seen her error, and acted upon principles of a wiser policy; her means were now more mild, more amiable, more benevolent. They did her humanity credit; they allured, they conciliated, they worked her purpose secretly, but securely. Formerly, oppression and power were her engines; engines offensive to all who beheld their unjustifiable exercise, and such as could not fail to rouse general indignation, and animate to resistance every power that had a spark of spirit, of generosity, or of goodness in its composition. Hence the weak

found advocates, the oppressed protection; and hence the daring attempts at universal monarchy, made by Louis the fourteenth, were opposed, baffled, repelled, and frustrated. What was the engine with which France operated her wished for end at this time? Influence! that secret and almost resistless power; that power with which ambition gains its purpose, almost imperceptibly, but much more effectually than with any other.

At this time, too, it ought, Mr. Fox said, to be held in mind, that Louis the sixteenth possessed abundantly more power than ever Louis the fourteenth could boast of, and that superiority, great as it was, would in all probability, be considerably heightened very shortly. At such a moment then, was it right to enter into a connection by treaty with the christian king? How was it to be accounted for, but by supposing that there were in this country some men so dazzled with the splendour of Louis the sixteenth, so conscious of the eminence of power which France had lately attained, that they sunk before it, and, lost in their own despondency, thought it right for us, diminished as our splendour was, in comparison with the aggrandizement of our continental neighbour, to seize the earliest moment of making terms with her, forming a connection by treaty, and by that means artfully securing a claim to her protection. Far was it from him to intend to charge the right honourable gentleman opposite to him, the present chancellor of the exchequer, with entertaining such abject opinions, or with thinking of abandoning all expectation of the possibility of France being once more humbled; but, he was persuaded there were men in the country, so lost to the memory of its former greatness, as to feel in the manner he had mentioned, and to advise and act upon the littleness of their own minds.

Having put this forcibly, Mr. Fox asked to what motives were we to ascribe the sudden civility of France towards us? Was it to be considered as a proof of her moderation? Had she entered into the treaty with a view to give the lie to the old and rooted opinions of philosophy, that it was a principle inherent in human nature to be eager to acquire more, in proportion as a great deal more than could have been expected, was already acquired? Did she mean to clear up her character at once, and do away the libellous charge so long alleged against her, that she was actuated by overweening ambition, and an insatiable thirst after extension of power? Glorious conduct, if such was its principle and its motive! Matchless self-denial! to abjure the acquirement of almost irresistible power, when it was rendered so easy.

But, could any man in his senses believe in the splendid allusion? Could any statesman think that moderation, at a moment when moderation seemed least necessary, was the real and true motive that had induced France, to put us in a state that had the appearance of rendering all future hostilities between her and Great Britain almost impossible to happen? Let those, who thought so, recollect, that paradoxical as the assertion might appear, the cabinet of France had been the most consistent in its conduct of any that ever existed. Notwithstanding the genius and character of the French, as a people; notwithstanding the levity of their manners, the fickleness of their minds, the constitutional mutability of their conduct, the cabinet of France, as a cabinet, had uniformly acted upon the same principle, aiming at the same end, and only changing the means of attaining that end, as the necessity of the times, and as the suggestion of a wiser policy dictated. If ministers supposed that France acted upon a principle of sincerity and friendship towards us, let them point out the proofs of that friendship. The way to judge of the friendly intentions of those with whom we negotiate, was not, he said, by looking to the manner of their negociating with us, but their conduct with other powers, as far as it regarded our interests. Ministers might, as yet, be said to be in the honeymoon of their connection with France. Had they, during that period, felt the influence of France greatly operating in our favour with those powers with whom we were negociating treaties? Did it manifest itself in the court of Portugal, in the court of Spain, or in the court of Petersburgh? Were the symptoms of it strongly traceable at any one of these courts? Where else was a symptom of it to be found? At this time France, that formerly was celebrated for having the most powerful army of any European nation, had an army the fourth only upon the continent; Prussia, the emperor, and Russia, had much greater armies. What was the reason of this? The reason was obvious. France relied for her security on other means of defence—on the influence she possessed with the neighbouring powers, and the alliances she had formed. Those circumstances enabled her to diminish her land force, to reduce her army, and direct all her attention to her marine. Was her doing so a favourable symptom to this country? Did it indicate any extraordinary proportion of partiality towards Great Britain?

The honourable gentleman who had, with considerable ability and much to his own credit, seconded the address, had laid down a position, the language of which was more elegant than the sentiment, he feared, was just. He had said, that in abandoning the monopoly of our trade with America,

and opening a commercial intercourse with France, we gave up a precarious and ill-paid annuity, for a fee simple, with prompt and constant payment. The expression was captivating, and the style of it beautiful; no wonder, therefore, that the House appeared to feel it, and gave tokens of their satisfaction. But, was the position true? Could the benefits that might result from our commercial intercourse, whatever they might turn out, be compared to a fee simple, with prompt payment? Surely not. What was to ensure us the stability and permanency of peace? A commercial treaty with France. No means, Mr. Fox said, appeared to him less likely to procure such an effect. Instead of a fee simple with constant payment, the more apt comparison would be an annuity, the payment of which was liable to frequent interruption. Did history encourage us to expect a long duration of peace, or were we weak enough to imagine that France, from her present enjoyment of uncommon power, was therefore less likely to break with us? Let former precedents teach a better prudence. Refer to the records of the best and most authentic historians, and it would be found that France was most inclined to preserve peace, when she was most humiliated and degraded. This country had been often charged with having borne herself arrogantly and dictatorially after the close of a triumphant war; but had it ever been said, that success checked the pride, or reduced the overweening ambition of France? Past experience proved, that whenever France saw this country weak, and thought her incapable of effectually resisting, she seized the opportunity, and aimed at effecting her long-desired destruction. What prompted her to commence her hostile attacks at the beginning of the war preceding the last? The occasion was flattering, it promised easy success, and the opportunity was irresistible. A similar opportunity would, doubtless, produce similar consequences. It was idle, therefore, to suppose that France, who had really had such frequent reason to consider Great Britain as her most powerful rival, and had received so many checks from her, that she had long wished to annihilate her as a state whose enmity was to be dreaded, would all of a sudden forget her resentment, and, just at that moment when there appeared to be the least rational motive to prompt her, abandon a purpose she had long and uniformly endeavoured to atchieve.

Mr. Fox observed, that his majesty had been graciously pleased to declare in his speech, that a copy of the treaty should be laid before the House. That instrument alone, he believed, would neither enable the House nor himself to form any decision upon the propriety of the treaty. Before the

House could justify any vote upon the subject, they would undoubtedly expect to hear from his majesty's ministers, the state of the various other treaties at this time negociating. At present, there were more in agitation than this country perhaps ever had at one time before — the treaty with Russia, the treaty with Spain, and the treaty with Portugal. As ministers had, a twelvemonth ago, boasted of the facility with which the treaty with Russia might be brought to a conclusion, he presumed, that it either was concluded, or so near conclusion, that it might fairly be considered the same as concluded; he would therefore say nothing upon this part of the subject. But it was material to know in what situation the treaty with Portugal stood. Perhaps the present treaty with France virtually annulled and abrogated the treaty with Portugal, commonly known by the name of the Methuen treaty. It was also important to know how the treaty stood with Spain; because, if the House meant to act as statesmen on the occasion, it was impossible for them to come to any warrantable decision respecting the treaty with France, without being fully apprized of the relative situation of every other existing treaty, or treaty that was at present negociating.

In order more strikingly to elucidate this argument, Mr. Fox said, that possibly the present connection with France might operate to the destruction of all our former connections with other powers so far, that when, at a future period, France might think it worth her while to break with us, we should find ourselves destitute of friends, and universally abandoned. Two years, he observed, had been given in the definitive treaty, as the period, by the end of which a commercial treaty with France was obliged to be concluded, clearly that ministers might have time to look about them, to see how old treaties stood with other powers, and to conclude such new ones as appeared most likely to conduce to the interest of Great Britain, before they entered into any treaty with France.

He said, he might possibly be misrepresented both at home and abroad, as a man so far prepossessed by illiberal and vulgar prejudices against France, as to wish never to enter into any connection with her. Be that as it might, he should not easily forget that those prejudices against France, and that jealousy, which had for years prevailed, of her ambition, had been productive of no bad consequences to this country; on the contrary, that the wars grounded on our alarms at her stretches after inordinate power, and the jealousy which we had entertained of her desire to overturn the balance of power in Europe, had made this country great and glorious. He

adverted to the peace of Utrecht, and talked of the bugbear which the ministers of that day had set up to frighten the people into a belief that peace was absolutely necessary, namely, the probability of the House of Austria requiring an improper share of power. He alluded also to the circumstances that characterised the history of Holland, and its present situation and future prospects.

Speaking of the convention with Spain, for carrying into effect the sixth article of the treaty of peace, he said he did not see, nor could he admit the necessity for entering into any such convention: that the article was sufficiently intelligible, and had ever appeared so to him, though he was aware there had been some doubts stated respecting its proper construction: that the country to be evacuated under the convention was a part of the Musquito coast, that never had, before the treaty, been considered as belonging to the crown of Spain; and that instead of being a mere spot for the cutting of log-wood, it was an actual British colony. To oblige the inhabitants and settlers, therefore, to evacuate it by February, would be an act of the most horrible injustice, because it would be to oblige them to quit their possessions before they could reap the fruits of their industry, which must, in that case be left in the ground. Mr. Fox descanted upon this for a considerable time, and asked, for what purpose such a cession could have been made? He should have supposed, he said, that if England had a treaty in hand with the court of Madrid, and a cession to make which that court was desirous of having made to her, it would have been political to have held back the boon that Spain was anxious to obtain, till after the objects of our wishes, as stipulated for in the treaty negociating, were complied with. Possibly, the cession was made before hand, in order to put Spain in a humour to grant us what we wanted with the greater cheerfulness.

After animadverting upon this matter with obvious irony, and touching upon a variety of particular points, to which the treaty with France appeared to him to have a natural and necessary reference, Mr. Fox declared, that he joined most heartily in the congratulation of his majesty, on an event, which nothing but the phrenzy of a lunatic could have induced, and which it became the character of the nation to act upon, exactly as they had done. Having mentioned this in a style that spoke the master of the art of oratory, and intreated the pardon of the House for having taken up so much of their time, which he declared he would not have done had he not thought it necessary to repel the French mode of talking that had fallen from the noble lord who moved, and the ho-

nourable gentleman who seconded the address, and to rescue the nation from being thought liable to such reflections, Mr. Fox concluded with giving an affirmative to the address.

Treaty of Commerce with France.

February 2.

Mr. Pitt having given notice that it was his intention to move that the treaty of navigation and commerce with France be taken into consideration on the 12th instant. Mr. Fox said he thought the day much too early; so much so, that he was amazed that the right honourable gentleman should think of naming it. Lord George Cavendish intimated, that as the treaty was a matter of great importance, in as much as it deranged all our ancient and established treaties of commerce with other countries, a call of the House might be proper. Mr. Pitt replied, that although sincerely anxious to have so important a subject investigated before the fullest assembly possible, yet he believed, from the circumstances of the present suggestion, that he should be justified in giving it his negative. In short, he looked upon the suggestion in no other light, but as an artifice to delay the consideration of a subject, on which reason and sound policy required a speedy determination. If a call of the House were really necessary, what excuse could be made by the noble lord, or any of his friends, for having delayed it so long? Was it, that, until the present moment, they had never considered the French treaty as an object of sufficient importance to justify a call of the House? or would they pretend to say, that they had never known, until now, that it was the intention of his majesty's ministers to bring it forward as early in the session as possible? He begged leave to remind the noble lord of the expressions of a right honourable gentleman (Mr. Fox) who sat near him on a former day, "that the pending treaty had given rise to so many speculations, and had so materially affected the operations of our manufacturers and merchants, that it became highly necessary to bring it to as speedy a conclusion as possible, in order to put an end to that suspense which its present unfinished state must necessarily give rise to, and a continuance of which must be highly detrimental to the interests of those concerned."

Mr. Fox rose with great warmth to declare, that he never would consent that the House was to neglect its duty to the country, and go precipitately into the consideration of a measure of great national importance, because any set of men whatever, however respectable their characters, however nu-

merous their description, had thought proper to run before the sanction of parliament, and enter into speculations which they were by no means warranted to risque engaging in. The right honourable gentleman had alluded to what had fallen from him on a former day, as if he had called for a precipitate and hasty discussion of the treaty; whereas, what he had said, was not that because any set of men had rashly speculated upon the grounds of the treaty before it had received the sanction of parliament, the deliberation of the House ought therefore to be accelerated, but that whenever the House had deliberated upon it, and passed a vote of approbation — should such a vote pass — it was their indispensable duty to proceed to the carrying it into execution with all possible celerity, in order to realize those speculations, that the vote and sanction of the House might, as it were, have authorised and encouraged. It was the execution and not the deliberation, that he wished to have hastened, and therefore, when the right honourable gentleman thought proper to quote what he had said on any former day, he wished he would be so good as to quote him with something like correctness. It was the characteristic of the right honourable gentleman's administration to be precipitate in deliberation, and lingering in execution. In most of his measures he had been hasty in coming to the decision of a vote, and he had almost as often had occasion to lament the want of greater deliberation; but he had scarcely ever been equally prompt to carry the vote into execution after it had passed. With regard to the call of the House suggested by his noble friend, he was astonished at the right honourable gentleman's objecting to it. A call of the House had sometimes been vexatiously made, but it had scarcely ever been refused when desired by any member. That it was now in common decency proper, who would be hardy enough to deny? A measure more novel, or more important, had perhaps never come under the consideration of the House. The right honourable gentleman told them himself the measure was important; the House knew it to be important; the whole country felt it to be important. Would the business, did the right honourable gentleman think, derive a grace in the eyes of foreign courts, from its being there known to have been rashly and precipitately brought on, and that a call of the House, a thing usual in cases of infinitely less magnitude, had been refused? There was something so ungracious in a refusal, that he was astonished the right honourable gentleman would hazard it.

Mr. Pitt ridiculed the idea of procrastinating the consideration of the treaty, under the specious pretext of more serious delibera-

tion.. It was in fact only an affectation of deliberation, for it was nothing more than putting off, as long as possible, the time for beginning to deliberate, which, in effect, was the sure way to render their deliberations short and sudden — it was like taking time to deliberate previous to deliberation, and put him in mind of the notion of a man falling down in a fit of apoplexy thinking of nothing.

Mr. Fox replied, that he never had dreamt of arguing in the illogical, nonsensical, and absurd manner that the right honourable gentleman had ascribed to him; though he was ready to admit, that on a former day the right honourable gentleman had so represented him to have argued; but that misrepresentation had been so ably and so completely corrected and cleared up by two of his honourable friends, (Mr. Francis and Mr. Burke) that he had not thought it necessary on that day to trouble the House with any explanation himself. Indeed, it would have been a bad argument for him to have used, had he urged the necessity of precipitating the deliberation of the commercial treaty with France, in the very same speech in which he was maintaining, that it was impossible for the House to be competent to decide on that treaty, unless they previously had submitted to them, authentic information of the state of our trade with Portugal, as it stood at present, and as it was likely to stand hereafter. With regard to the right honourable gentleman's quibble, that if the day of deliberation was deferred, the House would be in the state of a man, who fell down in a fit of apoplexy, thinking of nothing, in the interval of the delay, he neither thought the sort of allusion very decent to use within those walls, nor was it at all respectful to the House, talking of them generally, to apply such an allusion to them. The right honourable gentleman was welcome to apply such allusions to him personally, but to the rest of the House, a little more decency and respect was due. Did he believe that the House, because they at any time postponed the deliberation of any measure of great national importance, from one day to another, "thought of nothing" in the interval? Was it a fact, that gentlemen so far lost sight of and neglected their duty, as not to prepare themselves without doors for the discussion of great questions to be decided in parliament? Many measures were of a nature, to the proper consideration of which, few of the members of that House were competent. Questions of commerce and trade, more especially, were questions, which members of parliament, generally speaking, were not quite so well informed upon as other persons. Before gentlemen, therefore, could make up their minds to the proper vote they ought to give on

the treaty, they must inform themselves by conversing with those whose avocations and professions enabled them to be more conversant with commercial subjects. As to the day of deliberation being desired to be procrastinated, it was a necessary procrastination, and not as the right honourable gentleman had called it, "an affectation of deliberation, and a mere putting off the day of beginning to discuss the treaty." What was the day? Perhaps the debate might be of so much length as to be adjourned, and so occupy two days or more. Still it would be but a single debate, and would all be decided by a single vote. Would the right honourable gentleman, therefore, contend, that too much reasonable time could be taken in order to enable gentlemen to examine a question of so much novelty, and such acknowledged importance, before they came ultimately to decide upon it by their vote? If the argument of the right honourable gentleman, that the importance of the question alone was a greater motive to cause a full attendance than any call of the House, were a sound one, upon that principle, all the calls of the House that had hitherto taken place, had been idle and absurd.

February 5.

Mr. Pitt having moved that the House should resolve itself into a committee on that day sevennight, to take into consideration that part of the king's speech which related to the treaty of navigation and commerce with France, Lord George Cavendish said, that thinking that on a discussion so truly important, there should be the fullest possible attendance of the representatives of the people, it was his design to move for a call of the House. He wished to do this in order; but the motion now made by the right honourable gentleman precluded him. The period was too short for a call. He must therefore move an amendment, by substituting the words, "this day fortnight" for "this day se'nnight," and then he should follow the motion thus amended by a motion for a call of the House. The Speaker having stated the question,

Mr. Fox rose, and remarked that in consequence of the numerous opportunities which had arisen to confirm his idea, that the disposition of the right honourable the chancellor of the exchequer was sanguine even to excess, he felt a slighter degree of astonishment at discovering that on this, as on other important topics, he should violently urge on the House to the consideration of the treaty. But the same experience which he in common with other members had of the consequences of rashly falling in with the wishes of the right honourable gentleman in this respect, prevented him from rea-

dily believing that the House would go rashly with him into a discussion, so novel in its quality, and so pregnant with consequences either good or the contrary. It was a new system, in which not only the established doctrines of our forefathers were departed from, but by which the great and most essential principles in our commerce, principles which, whether wise or erroneous, had made us opulent, were to be completely changed. Surely, a system affecting thus our commerce in its most vital parts, affecting our most intimate and advantageous connections, and which, though it held out present profit to certain branches of our manufactures, threatened, according to some opinions, ultimate and final loss to them all, if to be admitted at all, was a system only to be admitted after the most serious and deliberate discussion. What must be the consequences to the character of the nation — what to the dignity of their proceedings, if they should suffer this business to go forth from their hands, accepted on bad grounds, partially stated and not thoroughly understood?

There was one thing particular in this treaty — one in which it differed from all that ever went before it, and which tended very much to strengthen the argument for a serious deliberation — and that was, that we must take it all or none. It was not a measure, into the detail of which the House could enter with the precaution incident to other topics, of adopting only what part they liked. They must adopt and embrace the whole of the system, or reject it all. On this occasion, though he would not be construed to say, that the general vote given by the House would preclude them from going into the detail, still there was in this measure something essentially different from most questions; for their going into a committee on that day se'nnight, as they were desired to do, was not to be considered as the beginning of their deliberation — but, on that first discussion, the opinion of the House was to be called for, he supposed, to the general question of the admission of the treaty. It was, therefore, highly incumbent on them that they should have time maturely to weigh the consequences of a vote which was to have so much effect on the final discussion of the subject. An occurrence had arisen, the memory of which ought to influence the House on the present occasion — the treaty of navigation and commerce with Ireland: that treaty which was better known to the House by the Irish name of the Irish propositions. On that subject, as on the present, the right honourable gentleman deprecated delay. He objected to the arguments of those who recommended to him time and thought. He desired then, as now, to hurry them on without consideration —

without time for inquiry — or for collecting the opinions of those who were the most able to judge of the expediency of the measure. Ought not the right honourable gentleman to be thankful to the House for not yielding to his rash proposals? For what must have been the consequences to this country if the propositions had passed in the undigested shape in which the right honourable gentleman brought them into parliament, and pressed them on its acceptance? All the dangers would have been incurred which the right honourable gentleman himself afterwards so forcibly enumerated. Fortunate for the country was the wise caution of the House in that instance—fortunate for the right honourable gentleman himself—fortunate, indeed, had been his failing in this as well as in other pursuits, when he has been rescued by the wisdom of the House from the dangers of his own rashness! Never had the good fortune of the right honourable gentleman been more apparent than when he had been unwillingly brought to delay the discussion of his hasty projects; and when the good sense and sober judgment of the House had snatched him from the impending ruin of his sanguine measures. It was not only in the instance of the Irish propositions that he had been thus fortunately checked. He had also brought in a plan for a commercial treaty with America, and that would admit of no possible delay. The House however, had taught him the rashness of the proceeding; and that bill he never brought again into the House. On that subject he had been made completely to change his mind, in consequence of the lights which he received by prudent delay.

The House would please to consider the size of the object which they were thus required without the necessary information being granted, and without even providing for a full attendance of members, by a call of the House, decidedly to investigate. They were to consider its influence on all that was great in the features of their general commerce — in the principles under which, whether right or wrong, that commerce had flourished — and in its power over their connections with other states, and particularly Portugal. He must still urge how greatly he felt himself alarmed at the state of our connection with that power. He was not convinced that it would be wise for England to enter into a commercial connection with France, unless it was clearly demonstrated that such a connection was in no wise to affect our valuable connection with Portugal. What was the alternative of this treaty? If there was to be no sacrifice of the revenue arising from wine, there was to be a sacrifice of the Methuen treaty. If the Methuen treaty was not to be sacrificed, then there was to be a sacrifice of revenue in the article of wines only, to the

amount of between 150 and 200,000l. a year. He surely should not, in spite of this immense loss, hesitate a moment, if the necessity of the alternative was apparent, which side to take; for the Methuen treaty had justly been considered as the commercial idol of England. There were extravagant rumours out of doors, if they were to listen to all the extravagant rumours circulated concerning the Portugal trade — that it had fallen off, and that it was no longer to be viewed in the same light as formerly. But to these rumours he could give no ear; and the House ought certainly to know the precise state of the trade. They were, on the contrary, called upon to act in the dark. The question, as far as the relation of Portugal to England went, bore three faces — They were, first, to consider the French treaty either under the idea that the duties on Portugal wines were to be lowered; or, second, that the Methuen treaty was to be sacrificed; or, third, that there was a negotiation pending. In which of these faces was he to consider the Portugal trade while discussing the French treaty? It surely ought to be clearly and fully explained to the House, before they were called upon to come to this decision.

Another circumstance most forcibly demanded consideration. A convention had been exchanged, and at length ratified — and this convention was so little of a piece with the treaty, nay, was in some respects so totally dissimilar, that one might have conceived it as possible to decide on the merits of the Irish propositions in their last shape, from having read those which the right honourable gentleman first brought in, as to form a clear and conclusive judgment of the convention from having read the treaty. The convention which gentlemen had only received that day, contained adjustments of duties, and an arrangement of different articles of hardware, which were all so huddled together in the treaty, that the most enlightened of the manufacturers and traders would be puzzled to decide at once on its precise merits. A fortnight only was desired. Surely the right honourable gentleman could not be serious in objecting to a period so short. What did he fear, or what could he possibly have to fear from the delay? He had insinuated that the great body of the people were anxious for the completion of the treaty. If the majority of the people were for the treaty, surely he had nothing to apprehend from delay. If their approbation of it was well-founded, deliberation would only fix them in their opinions more thoroughly; but if he suspected that they were loud in their praise more from the novelty of the object than from their conviction of its merits; that they had, like himself, taken it up hastily, and attracted by the glitter of a French connec-

tion, or tempted by the view of immediate profit, had not taken time to sit down and thoroughly weigh the merits of the case; then, indeed, the conduct of the right honourable gentleman as a temporiser might be right. He snatched at the seasonable moment to catch the transitory breath of their praise; and seized on their delusion to betray them into his toil. But he could not think so poorly of the right honourable gentleman. He surely could not be content with a triumph so obtained. A triumph of this kind he might have had, in the fullest measure of national delirium, if he had pushed the nation to a question on the treaty eight days after its publication. There were a sort of people to whom, in every instance, novelty was attraction. If a measure had the merit of being new and glittering, they were soothed by its appearance, and for a time became subject to its fascination. But this was a sort of magic easily broken. It endured no longer than the novelty itself, and a rational estimate proceeding from cool inquiry followed the momentary intoxication of the senses. Surely the right honourable gentleman could find no true enjoyment in any other than the triumph which should proceed from the concurring voice of the country, seriously and deliberately pronounced in favour of the treaty which he had negociated. He must revolt from a triumph obtained over delusion and error. And while he thus earnestly requested time, he must again recall the memorable circumstance of the Irish propositions. What was the case there? When the right honourable gentleman was intreated to allow time for inquiry, and for collecting the sense of the people, he triumphantly pointed to the table, and inquired what petitions there were on it. What was the consequence of this? The manufacturing bodies in every part of the country, gave the right honourable gentleman petitions in sufficient number — they gave him the most convincing proof, not only that he was opposed by the whole body of the people, but that he was wrong in every article of his scheme. From these gentlemen the House had also gained a complete treatise on manufacture and commerce — a treatise which, though given in the case of the Irish treaty, was equally applicable to the French treaty, and would for ever be referred to and respected in every case of commercial discussion.

He should now beg leave to caution the House against entering rashly into the first discussion, because their first opinion delivered on the treaty was so material. It was not with this as with the Irish treaty — they had no parliament, jealous of the constitution, like themselves, to revise what they might do. He had been said to have delivered very free opinions about French perfidy, and perhaps he might not

think that nation the most faithful in their political contracts of any people in Europe; but he never had said that they were so treacherous — that they were so unobservant of their public faith, — that if the British parliament were to insert some small passage into the treaty different from the present letter of it, they would reject the whole. The Irish did this: a clause inserted at the conclusion of the inquiry had the good luck to arouse the jealousy of the parliament of Ireland, and they, much to the satisfaction of every thinking man, rejected the whole scheme; but, in this instance, we had no such good fortune to expect, and therefore parliament should be more cautious how they suffered a thing to pass, which, once out of their hands, was not likely to meet its doom elsewhere. Such sentiments as he had now expressed, would, he was convinced, entirely bear him out in voting for the amendment; and the more particularly, as the consequence of its passing would be a full House, and its natural result, a close investigation of a subject, than which few, if any, were superior in importance.

The House divided on the amendment, which was negatived by 213 against 89. The motion for a call of the House was afterwards put, and rejected without a division.

February 9.

Mr. Fox observed, that it gave him pleasure to assure the House, that he should trespass but a short time upon their patience, as the documents for which he meant to move, went merely to the situation of our present, and the probable state of our future trade with Portugal; which though an object essentially necessary to be known in that House, previous to their coming to any decision upon the Commercial Treaty with France, yet, as far as it opened a field for argument, could only be considered in one of these two points of view, viz. whether before we had entered into a commercial treaty with a new customer, we had taken care to secure our connection with an old and valuable one; or in case of not having done so, whether having made a treaty with France we were likely to keep our connection with Portugal, our old customer, if the treaty was to be commercially considered; our old ally, if the treaty was to be considered politically; or solely trusted to putting ourselves exclusively into the hands of France, both as a customer, and — not an ally, for that she certainly could not be called, but as a new political friend.

These were the heads under which every argument upon the subject must range; and the better to make himself under-

stood by the House, he would point out the three periods of time, at which the treaty with Portugal could alone have been made, but at each of which periods undoubtedly, there was a material difference in point of ease and advantage. The first of these periods was, that of all others, most desirable, because it must have been free from every imputation, either on the score of impolicy or suspicion of any kind whatever; the last of the three periods was certainly open to a proportion of suspicion, but he really thought, that though some suspicion might at first attach to it, in a very short time that might be done away: but there was between these two periods, an intermediate period of a very doubtful and suspicious nature indeed, and that of all others was the most objectionable. The period most advantageous of the three, obviously was, that prior to the conclusion of a treaty with France. Had a treaty with Portugal been secured and settled at that moment, it would have manifested a fairness and a decency on our part to an old ally; and it would have exhibited a good example of the dignity of this country, by shewing, that before we enter into new treaties, or sought for new friends, we took care to secure the continuance of our old connections. At that time, therefore, in his mind, the treaty with the court of Lisbon ought to have been adjusted, because he never could be brought to admit, that our commercial connection with Portugal ought to be blended with, or make any part of the measure of a commercial treaty with France, though the converse of the proposition might we true, and indeed was so.

The next best period for making a treaty with the court of Lisbon, was subsequent to the parliamentary sanction and finally carrying into effect the commercial treaty with France, and after the reduction of Portugal wines, according to the reserve made in the 7th article of the French treaty. That period, as he had before said, was certainly not so free from objection as the former one, but most objectionable was the intermediate period, namely, that between the signing the French treaty, and the parliament of Great Britain giving it their sanction, and engaging to carry it into execution. In order to illustrate this assertion, and explain more fully what he meant, Mr. Fox went into a good deal of argument to prove, that if Portugal should, through any perverseness, or ill-judged obstinacy (which Heaven forbid should be the case!) refuse to continue the same connection with us that had subsisted between the two countries under the Methuen treaty, ever since the year 1703, France would, in that case, derive a great additional advantage from us, for which we neither should have an equivalent, nor could claim one.

He knew that some doubts had arisen as to the right construction of the Methuen treaty: a minister when in office, he had felt it to be his duty to negociate it one way, but he was aware that the court of Lisbon had contended that Irish woollens were not comprehended under the Methuen treaty.—[The chancellor of the exchequer said across the table, if the right honourable gentleman acted one way as a negociator when in office, he hoped he would not lend the weight of his authority the other way, now he was not in office.] Mr. Fox said, if the right honourable gentleman had heard him to the end of his sentence, he was sure he would not have thought what he meant to have expressed, to have been wrong, or injudicious, or ill-timed. What he was proceeding to say was this, that the court of Lisbon had contended that Irish woollens were not comprehended within the meaning of the Methuen treaty; but that was an idle and a mistaken notion. The spirit of the Methuen treaty undoubtedly went to Irish as well as British woollens, and to lay down any distinction between the two was narrow and impolitic, and by no means consonant with that generous and liberal line of conduct that the court of Lisbon, and the court of London should mutually take care to follow respecting the concerns of each other. His opinion was, and that an opinion founded on conviction, that Portugal was bound to listen to the complaints of our merchants, and that it was the duty of ministers to take care to enforce their just demands, so as to have the Methuen treaty observed as to its spirit, rather than as to its mere letter. On our part we ought to act with equal liberality, and rather grant to Portugal more than she could claim by treaty than less. Upon that principle the two countries might continue connected and be useful friends to each other. If Portugal should, either by the influence of other powers, or the perverseness of her own ministers, break with us entirely, and an end should be put to the Methuen treaty, we should lose a useful friend, and should undoubtedly feel the loss; but Portugal would soon find, that she had acted rashly and injudiciously, that she had injured herself most essentially by breaking her old connection, and that no new commercial treaty she could enter into or conclude, could possibly prove in every point of view so serviceable and so advantageous to her, as her connection with this country had proved. In that light, he had uniformly considered the Methuen treaty and the connection between Great Britain and Portugal, and so, he believed, every man who knew any thing of the commercial interests of the two countries must have considered them.

Mr. Fox next proceeded to shew the disadvantages of putting the finishing hand to the French treaty, by parliament coming to a vote upon it, before they knew what would be the state of our trade with Portugal. The principles of the French treaty were reciprocity of advantage in respect to commerce; not that each country was to do the same thing exactly in respect to each commercial commodity, because that would be impossible, but where the duty was lowered upon any commodity in one country, an equivalent was to be granted by the other. But if the treaty with France was sanctioned without knowing what was to be done with Portugal, we must remain in the dark, and might eventually give France an advantage for which we neither had the prospect of an equivalent, nor could set up any claim to one. Mr. Fox explained this, by putting the case, that Portugal should, either through her own perverseness, or the influence France was known to have over the court of Lisbon, be so unwise as to refuse to come into any treaty with Great Britain; in that case, we certainly should not lower the duty on Portugal wines, and then France would positively have a material advantage, in addition to the advantage already given by stipulation in the treaty, for which additional advantage, we should not have a right to claim an equivalent. Thus France would be in the condition of a person purchasing an estate, with a mine upon it, without having paid for the mine. Would not every man, in that case, blame the seller of the estate, for not having ascertained, whether there was a mine upon it or not, before he sold his estate? The case stood exactly in that manner between Great Britain and France: if Portugal broke with us, France would have all the benefit without having stipulated to give any equivalent to this country. Mr. Fox put this very forcibly, and then mentioned, as another probable inconvenience, that if we should lower the duty on Spanish wines, France would have a right to call upon us to make the same reduction in the duties on the French wines, because we had stipulated that her wines should come in upon as low duties, as were paid on the wines of any country, except the wines of Portugal. The validity of this argument would be seen by reading the sixth, the seventh, and eleventh articles of the French treaty.

Mr. Fox recapitulated the heads of his argument before he sat down, and then said, that if the object he aimed at, which he hoped he had made sufficiently clear to the right honourable gentleman, could be obtained by any other motion, or by any other way of wording his motion, he was ready to give it up, or alter it, though he could not give up his argument, as he conceived nothing could be more evident

than the grounds he had rested it upon. Mr. Fox explained why he had selected the year 1782 as the date, from which the papers were to be made out. He said, he would not go so far back as the year 1758, when the merchants began to complain of the conduct of the court of Portugal as to the non-observance of the Methuen treaty, but fixed upon the year 1782, as more modern, at the same time that it was not so modern, as to be a period that interfered with negociations of a nature too recent to be touched upon. He concluded with moving, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House, copies or extracts of the Instructions that have been given to his majesty's ministers in Portugal since the first of May 1782, respecting the Complaints of the British merchants. As also the answer or answers of the Court of Portugal to the representations which have been made in consequence of such instructions, with the several dates of the said instructions and answers."

The motion, after being seconded by Sir Grey Cooper, and opposed by Mr. Beaufoy and Mr. Pitt, was negatived without a division.

February 12.

The House having resolved itself into a committee of the whole House, to take into consideration so much of the king's speech on the 25th of January, as relates to the treaty of navigation and commerce with France, Mr. Pitt in a speech which lasted three hours, entered into an explanation and defence of the treaty, and concluded with moving his first resolution; viz. "That it appears to this committee to be expedient that all articles of the growth, produce, or manufacture of the European dominions of the French king, which are not specified in the 6th article of the treaty of navigation and commerce, between His Britannic Majesty and the Most Christian King, signed at Versailles, the 26th of September 1786, shall be imported into this kingdom on payment of duties as low as any which shall be payable on the importation of the like articles from any other European nation."

Mr. Fox rose immediately as the chancellor of the exchequer sat down. He began by declaring, that he clearly saw that the right honourable gentleman had considered a great and complicated subject on narrow and confined ground. When he was in office he had begun the only system on which commerce between the two countries could have been carried on, without disgrace and embarrassment to Great

Britain. To the greatest part of what had fallen from the right honourable gentleman with so much eloquence and ability, he was prepared to give a direct and immediate negative; and he at the same time scrupled not to assert, that no one argument the right honourable gentleman had urged in favour of the treaty carried conviction to his mind, or altered his opinion of it in the smallest degree. The right honourable gentleman had done what he expected, because it was what every person must have done, who undertook the defence of a commercial treaty with France — he had talked a great deal of the assurances given by the court of Versailles of her amicable intentions towards Great Britain, and on these assurances of friendship had he rested his confidence, that France was sincere in her professions, and that she really wished well to this country. In that confidence he never could join; nor could he ever be brought to believe that France was sincere when she professed to be the friend of Great Britain.

The right honourable gentleman had said, "Surely no man would go so far as to assert, that France must be actuated by an unalterable enmity towards us, and that it absolutely was impossible that the two countries could ever be brought to act towards each other with amity and friendship." He undoubtedly, Mr. Fox said, would not go the length of asserting that France was, and must remain the unalterable enemy of Great Britain, and that there was not a possibility for any circumstances to occur, under which France might not secretly feel a wish to act amicably with respect to this kingdom. It was possible; but it was scarcely probable. That she, however, felt in that manner at present, he not only doubted but disbelieved. France was the natural political enemy of Great Britain. What made her so?—not the memory of Cressy and of Agincourt; the victories of those fields had nothing to do with the circumstance. It was the overweening pride and boundless ambition of France; her invariable and ardent desire to hold the sway of Europe. If the right honourable gentleman thought the friendly assurances of France were infallible proofs of her sincerity, let him but turn over the correspondence to be found in the secretary of state's office that related to what had passed between the British ambassador and the French ministers at the time that Lord Stormont had been our ambassador, and immediately before the delivery of the French rescript, previous to their breaking with us, and joining America against this country, and he would there see assurances of sincere regard, and professions of firm friendship as warm as could be made. How far those as-

surances had been verified, and how far those professions had been fulfilled, the House and the country but too well knew!

Mr. Fox said, that one reason to distrust France was, the amiable character of the French king, a monarch celebrated for his love of justice, for his desire to serve his country, and his wish to aggrandize her name. That monarch sat on the throne when France last went to war with us, and the minister of that day was M. Maurepas, a man of known talents, but a man of that time of life not likely to be led away by improbable speculations on visionary projects more flattering than solid. Assurances of friendship, therefore, on the part of the court of Versailles were not to be relied on, especially at this moment, when France was so powerful, and had so little reason to part with any thing, really meant for the good of this country.

Mr. Fox contended that France was the natural foe of Great Britain, and that she wished by entering into a commercial treaty with us to tie our hands, and prevent us from engaging in any alliances with other powers. He answered that part of Mr. Pitt's speech in which he had said, that at one time France and Great Britain were friends, and had carried on a commercial intercourse with each other. The reason he said was, this country had at that time another natural enemy, and that was Spain. He elucidated this, by referring to the history of Europe, and stated that from the reign of Henry VI. after those wars were over, that this country had derived so much glory from, France and Great Britain did for a long time continue upon an amicable footing with each other.

The right honourable gentleman, he observed, had dwelt a good deal on the benefit that individuals would reap from the treaty being carried into execution. That was, Mr. Fox said, one good reason with him for disliking it. Connections of such great political importance ought not to rest on the advantage that would accrue from them to interested individuals, but on the good effect they were likely to produce to the public and to the state. In the reign of Charles the Second, we had a connection with France; why;—for the good of an individual,—because of the corruption of the crowned head. Oliver Cromwell, it was true, notwithstanding his wisdom and the vigour of his measures, was also in connection with France; the only reason that could be assigned, was probably for the sake of the safety of his own personal situation, having to dread that France might lend her aid to the family of the abdicated prince and assist in restoring them to their legal rights: that consideration might operate and

induce him to prefer his own interest and the preservation of his power to the glory of the country, over which he, in almost every other respect, ruled with so much credit to himself. Charles the Second, from the moment he came to the throne, began to put schemes in execution for the ruin of the religion of his people, and almost every thing that it was his duty to maintain and uphold.

In King William's time, a more glorious conduct was pursued, and also in the subsequent reign, until the people were led away with false notions of their interests, and were not only persuaded, that the victories and triumphs of the wars they had carried on so successfully against France, had been purchased at too dear a price of blood and of treasure to this country, but that those who had planned those wars in the cabinet, and conducted them in the field, deserved execration and punishment. At that era it was, that the tories got the government into their hands, and under the influence of idle rumours of the church being in danger, and the most incredible reports, prevailed on the tory parliament to pass censures on men, whose characters were afterwards proved not to have deserved the smallest imputation of blame. Even the Duke of Marlborough himself, who had fought the battles of his country with so much glory to the British name and character, and so much signal honour to himself, did not escape without slur, and without abuse. At that era it was, that the treaty of Utrecht was thought of and negociated; a treaty that deservedly met with the execration of all ranks of people! Even that parliament,—a parliament that had proved so servile, that it had disgraced itself in a variety of instances, would not consent to swallow the infamous treaty of Utretcht, but rejected it. They thereby proved, that though they were a tory, they were not a French parliament; but although they did reject the 8th and 9th articles of the treaty of Utrecht, they were so adulatory to the then tory ministry, that if they could not bring themselves to approve their works, they nevertheless praised their persons, and sent up an address to the queen, flattering to the administration, though it condemned their treaty.

Mr. Fox drew a parallel between their conduct and the treatment the right honourable gentleman had himself experienced ever since he had been in power. The right honourable gentleman had talked of the Irish propositions, and, as it were, invited their being mentioned. But would not the fate of those propositions sufficiently prove, that although the measure failed, yet the right honourable gentleman, high in favour with his sovereign, and with the people, lost not an atom of the confidence of either? The House might recol-

lect, that when the Irish propositions came ultimately to be voted in that House, many gentlemen of great character and esteem in the country, expressly declared, that the measure was too complex for them to comprehend, but that they were ready to vote for it, from the confidence they had in the right honourable gentleman's integrity, and in his having declared that it was a right measure.

The right honourable gentleman, Mr. Fox observed, had laid great stress on the assertion, that no petitions had been presented against the treaty; the same degree of stress exactly had he laid on the same circumstance, in the case of the Irish propositions, and yet they all recollected how the boast of the right honourable gentleman had turned out. But in the present case, there was a petition from the chamber of commerce, signed by some of the most respectable names to be found among the manufacturers of the country. Mr. Fox justified Messrs. Walker, and the house of Mills and Haywood, for their conduct, and said, if such men declared they did not rightly understand the treaty it behoved the committee to proceed cautiously, and not to lose all sight of their being a deliberative assembly. He asked, did the right honourable gentleman himself, or any other gentleman take upon him to assert, that he understood the interests of the cotton manufacture better than Mr. Walker, or the interests of the woollen manufacture better than the house of Mills and Haywood? He replied to the several observations that had been made by Mr. Pitt on the report from the chamber of commerce, and defended every part of that report, declaring the questions put in the report were pertinent and pointed, notwithstandstanding the right honourable gentleman had thought proper to treat them with so much levity, and to declare that he should be very much ashamed if any gentleman thought what he was about to read, was really a part of his speech. With respect to the doubts entertained by the chamber of commerce, as to the construction of the fifth article; he was very free to say, that those doubts appeared to him to be ill-founded, and to agree with the right honourable gentleman, that if there were any laws existing, by which aliens and foreigners were debarred from exercising a retail trade in this country, they were a disgrace to the statute book, and ought to be done away.

After dwelling for some time upon this matter, and justifying the report and the question proposed in it for enquiry, Mr. Fox returned to his first argument, that France was not to be trusted, and that she insidiously meant to draw this country into her scale of the balance of power, which could not but make it preponderate. He observed, that the right

honourable gentleman had talked of the facility, the ease, and accommodation manifested by France all through the negociation; a circumstance at which, Mr. Fox said, he was not surprized, because upon a perusal of the treaty it was evident, that France had her own great end in view, and not the good of Great Britain. In order to explain this, Mr. Fox remarked, that notwithstanding the levity of French manners, notwithstanding the constitutional mutability of that people, yet, to the astonishment of all the world, during all their changes of administration, they had for more than a century kept to one regular and constant idea, that of overweening pride and natural aggrandizement. Anxious to grasp at more than a due influence over the other powers of Europe, France had endeavoured by different means, to attain her object. In the reign of Louis the Fourteenth, she had openly avowed her purpose, and endeavoured to effect it; but finding that arrogant conduct offensive to all the other powers of Europe, and that it created against her an host of foes, she had lately changed her means and determined to do that by the more laudable mode of commercial connection, which she saw she would not be suffered to accomplish by force of arms. Hence her facility to treat with this country, because she knew she would have an opportunity of taking an advantage; an advantage which she had not permitted to escape her. When the family-compact was entered into, Mr. Fox said, it gave great offence to the European powers; and when we negotiated the peace of Paris in 1763, being at that time the successful combatants, and granting relief from the fatigue and expence of a disastrous war, to an almost exhausted foe, we got France, then humbled as she was, tacitly to abjure the family-compact, as would be seen by referring to the first article of that treaty. In our last treaty of peace, the treaty signed at Paris in 1783, the French adhered to their abjuration, but as we did not deem that sufficiently satisfactory, the Duke of Manchester was sent over, who obtained a declaration which expressly answered the purpose. Notwithstanding these precautions, France had been artful enough to revive the family-compact in the present commercial treaty, and had thereby obtained a recognition of it on the part of this country. Mr. Fox, to prove this position, read the 25th article of the family-compact, and the different articles from the treaties of 1763 and of 1783, and was extremely pointed on the circumstances which he said was an admirable proof of the sincerity of the assurances of France, and her professions of friendship towards Great Britain, and accounted very sufficiently for the ease and facility which she had manifested in the course of the negociation.

He enlarged upon the argument, that this country ought not by any means, in point of policy, to connect herself too closely with France. Her true situation was that, he said, of a great maritime power looked up to by the other powers of Europe, as that to which the distressed should fly for assistance, whenever France unjustly attacked them with a view to the attainment of her favourite object. Two things it behoved a wise ministry of this country to aim at, with respect to France, the one was to divert her attention from her marine, and turn it to land connections and fortifications; the other, to procure an alliance for Great Britain with some maritime power that could assist her whenever France thought it a fit moment to attack her. Both these ends, if they could be answered, were extremely desirable; but if both could not, it was the duty of ministers to endeavour to gain one of them. Mr. Fox declared, he had lately heard, and with much true joy, that the probability of our once more recovering our situation with Holland, was not quite so hopeless as it had been. He was sincerely glad of it, for the present treaty did not appear to him likely to invite other powers to enter into alliance with us. He went over the whole of the arguments used on Friday last, relative to the Methuen treaty with Portugal, throwing new lights upon it, and declaring that our connection with the court of Lisbon had been made a sacrifice and peace-offering to France, and had been clearly given as the price of the treaty. He said, that the French in the much boasted reserve, contained in the seventh article of the commercial treaty, had completely outwitted us. He explained this, by reminding the committee, that the reserve, as to Portugal, was the reserve of a right actually existing when the Treaty was negociated; whereas the reserve on the part of France, viz. that of an article in the family compact, was not admitted by us to have an existence.

After very fully going over the ground of the policy of the treaty, he touched upon the commercial and the revenue divisions, contending that the honourable gentleman had been mistaken in almost every one of his arguments respecting both those heads. Much, he said, would it become the House seriously to contemplate the effect which this treaty might have on the revenues of the country. What were the advantages that ministry could possibly expect from it? With regard to the prevention of smuggling, he did not conceive how the arguments used by the right honourable gentleman would apply. He had said, with respect to the brandies, that what were formerly smuggled into this country would now come under the legal duty, and thus would the revenue receive all the advan-

tages of which it was formerly defrauded. But how did this fact really stand? The duties on brandies made their importation to the merchant 7*s.* 6*d.* per gallon: this was 400 per cent. Would the right honourable gentleman therefore pretend to say, that when the duties on brandies were 400 per cent. on the first cost, that they would not be now smuggled in as great a proportion as they were formerly? They certainly would; for where there was such a temptation, there would smuggling always exist. But, to prevent this smuggling of brandy, the right honourable gentleman had declared that he had a plan to propose to effectuate it entirely. What was this plan? Did he mean to reduce the duties to 100*l.* per cent? Would he lower the duties to 3*s.* 4*d.* per gallon? And if he did, what assurance could he give that they would not then smuggle brandies into this country? But if he reduced the duties on brandies, the duties on rum must be reduced in proportion, otherwise the consumption of our colonial produce in the West Indies would be materially diminished. He was therefore assured that he could not, with any consistency of policy or expediency, lower the duties beneath their present standard. If he did, he would risk the diminution of the revenue in one instance, and the diminution of our West India produce in the other. Therefore he could not conceive in what particular smuggling would be diminished with regard to the exportation of brandies, under the stipulations of the present treaty.

As to the commercial part of the treaty, the first object that claimed his attention was the woollen manufactory. It had been argued, that we had opened to ourselves a market, containing twenty-four millions of people, while France had only obtained a market from us of eight millions. But with respect to the number of persons in a market, he did not estimate the advantages to be derived on such a scale of computation. The advantages were to be estimated from the consumption of the national produce. The raw material, if grown in the country, and then manufactured, was certainly the estimate of the profit of one nation with another in a commercial intercourse. Now, how stood the situation of this country with regard to our woollen manufactures? As far as the woollen articles we might export to France, by virtue of this treaty, were composed of English wool, we should clearly have benefit. But as we used at least 350,000 *lb.* of Spanish wool in our manufactories of woollen cloths, we clearly lost this advantage of the raw material. And this was not all; for this 350,000 *lb.* when manufactured into cloth, was estimated, by those most conversant in the trade, to amount to no less a sum than 700,000*l.* Thus, such a value would be clearly to our

disadvantage. And what yet more increased our loss was, that Spain might give France an opportunity of importing their wool under the sanction of the treaty, which restored both to France and Spain the privileges of the family-compact. By this France would be able to manufacture this article, and afterwards serve us with the commodity which we before made ourselves. And, as it was a species of cloth which our wool would not make, we should be obliged to purchase it from France, under the disadvantage of their having the labour, and we the loss of the artificers; they the emolument, and we the loss of the manufacture.

Thus, having shewn in what manner the advantages of reciprocity were to be estimated in this treaty, he proceeded to several other articles. Among these was the importation of brandies into this country. He had before manifested, that in no possible manner could this treaty diminish the smuggling of this article into the country. And now he meant to evince, that the revenue could not possibly be benefited under the idea of a greater quantity of brandy being imported into the country. 600,000 gallons were the estimate of the brandies imported here. But of this quantity, only 160,000 gallons was the quantity imported annually from France. It was, therefore, evident that the rest must be chiefly imported from Spain, or some other countries on that part of the continent. Consequently, lowering the duties of what were imported from France could not increase the revenue; for, as what was imported from thence was evidently so disproportionate to what we imported from Spain and other countries, no increase of consumption in French brandies could possibly be expected. Unless the constitutions of the people could be altered, he believed a greater quantity could not be consumed than what was at present. He, therefore, could not conceive any advantages of revenue, or indeed commerce, to be derived from lowering the duties on this article. He then proceeded to the cotton manufactory. This, he said, was chiefly supported by the working of a raw material, of which no less a quantity than seventeen million of pounds of cotton wool was used. But of this quantity half was imported from France, Portugal, and the Brazils. Was not this an alarming circumstance to a manufacture of such consequence as the cotton, fustain, and velvet was to this country? By this treaty, France herself might withhold two millions of the quantity we used, and keep it for her own rising manufactures. And if we were deprived of this raw material, one of our greatest manufactures would be destroyed, or at least transplanted to France. What was there in the treaty to compensate for such an essential loss to the commerce of the kingdom? He knew of none. Much had

been said with regard to its reciprocity, but with all his examination of it he could not find one article in which any trace of that reciprocity existed.

Proceeding thus through several articles of our commerce, he adverted to our situation with Portugal with respect to the present treaty. As to the idea of our renewing or preserving the Methuen treaty, he had not the least expectation. We had not preserved to ourselves the only chance which could give us any pretence to ask it with confidence. Portugal knew that we had formed a treaty which precluded us from every possibility of making any advantage of any proposal we might offer, and she might think proper to reject. She would, therefore, not be inclined to give us a benefit for a bonus we had it not in our power to bestow; for notwithstanding we had a reserve to reduce her wines one third below those of France, yet as we had no means of giving, or rather selling, this advantage to any other, should she refuse it, she could have no reason to accept a proposition tending so much to her disadvantage. What gave a pretence for a treaty was, to have it in your power to offer to one, what, if rejected, you might, with advantage, offer to another. But this you could not expect in the present instance of Portugal wines, and therefore, he did not perceive on what species of confidence we could expect the Methuen treaty to be continued. What was to compensate for the advantage which we lost? 150,000*l.* of salt fish we annually sent to that country. Where could we find a market for this invaluable article of our commerce? If any where, we should expect to have it in France. For as we lost a benefit in consequence of giving them an advantage, we certainly had a right to expect from them a compensation. But could we expect this? No! They had a fishery of their own. They, therefore, would not take ours. Where, then, would the right honourable gentleman find the reciprocity in this particular? None could be found. It was consequently evident, that here a most material sacrifice was offered to the pretences of France. We lost not only this sale of our produce, as it might be called, but we lost this opportunity of reaping those advantages from our fisheries, which rendered them the nurseries of our seamen.

The right honourable gentleman had made some extraordinary observations concerning the importation of wines into this country, in consequence of the treaty. He did not conceive that any particular advantage could ever be derived from this concession—if it might be so called. Wines were certainly a luxury, and a most agreeable species of luxury, with which we could not dispense. But surely, their importation

on one third less duty than before would not prove the least advantageous to the country from any pretended equivalent that might be offered us. With respect to the equivalent which we were to have for the reduction of the duties on French wines, so as to admit them more freely into our ports, what article had we the privilege of exporting into France? He knew of none. It appeared to him, therefore, an advantage given to France without the least sign of an equivalent. We were admitting French wines into our ports to the exclusion of those of Portugal, reducing our duties on both, and forfeiting all those advantages which we formerly enjoyed by the Methuen treaty. Such was the policy and principle of the leading feature of this treaty!

The right honourable gentleman had used arguments not less extraordinary in favour of establishing peace between this country and France. He had asked in his zeal and sanguinary wishes for the event, were not the two countries nearly situated, were they not nearly connected in their mutual intercourse, were they not pursuing the same means of encreasing their prosperity, and was not this the only means of uniting a people in the bonds of peace, amity, and prosperity? Such arguments might be used with regard to Spain and Portugal. Portugal might say, Am I not nearly adjoining to Spain? Do we not speak almost the same language? Are we not of the same religion? Are we not similar in manners? And should I not rather seek alliance and protection from a neighbour so near me, and so competent to afford protection from insulting and invading neighbours? These questions were certainly as applicable to Spain and Portugal, as they were to France and England. And yet the answer which would naturally be given to Portugal as well as to Great Britain, was, that vicinity of situation, instead of being the means to connect, was what should excite our fear and jealousy. Portugal being so near to such a superior power as Spain, was certainly in danger from her ambition. It was, therefore, that she rather sought foreign connections and alliances, than union with a country to which she might be sacrificed, had she not such a friend as Great Britain to call to her assistance. This was the reason why Portugal could not enter into any treaty with Spain with safety, any more than Great Britain could possibly enter into a commercial treaty with France. Both transactions were equally dangerous to us and Portugal; for our relative situations were such, as to render this policy extremely hazardous, not only to the prosperity, but to the existence of each country as a nation. As to the stipulation of reducing Portugal wines one third below the French wines, while the eleventh article

of the treaty subsisted, he could not conceive that this could have the least effect in preserving the Methuen treaty unbroken. For by the eleventh article it was agreed, that all commodities imported from either nation into the other should be on terms of the most favoured nations, Portugal excepted. Thus, if we reduced the Spanish wines, we should be obliged also, by the French treaty, to reduce to the same degree the French wines, unless they were already as low as the duties on Portugal wines. Thus should we be obliged to reduce the duties on both the French and Portugal wines, to the great diminution of our revenue, without the least probability of an equivalent. Mr. Fox maintained, that the treaty was a tempting bait, which none but gudgeons the most simple would have bitten at; and concluded a most able speech with moving, That the chairman do leave the chair, report progress, and ask leave to sit again.

Mr. Francis followed Mr. Fox, and concurred in opinion with him upon the mischievous political tendency of the measure under their consideration. He went even farther: he dreaded the effects of an intimate political connection with France upon the character of the British nation. The first step towards enslaving a free people was to endeavour to corrupt them; and he was convinced that a freer intercourse with France would produce that effect. There were other reflections, he said, which belonged to the subject, too obvious to require explanation, and too delicate to be expressed. There might be too strict an union between the two crowns through the medium of an union between the two nations; and that union might be fatal to the liberty of Great Britain. He reminded Mr. Pitt of the opposite opinions of the late Lord Chatham, and lamented that the pomp of modern eloquence should be employed to derogate from the merits of his administration. The polemical laurels of the father must yield, he said, to the pacific myrtles which shadow the forehead of the son. The first and most prominent feature in the political character of Lord Chatham was antigallican. His glory was founded on the resistance he made to the united power of the house of Bourbon. The present minister had taken the opposite road to fame; and France, the object of every hostile principle in the policy of Lord Chatham, was the gens amicissima of the son.—Mr. Powys was of opinion that the treaty was not safe in its policy, and that it put the commercial interests of this country unnecessarily to hazard.—Mr. Baring, the member for Exeter, and himself a person of great commercial dealings, thought the treaty, as far as his consideration of it had gone, had both its advantages and disadvantages; but upon the whole, commercially considered, his opinion went in its favour.—The treaty was defended by Mr. W. Grenville upon the ground occupied by Mr. Pitt; and the question being at length called for, Mr. Fox's amendment was negatived; and the resolution moved agreed to by a majority of 248 to 118.

February 15.

The House having again resolved itself into a committee, Mr. Pitt read, without any preface, his second resolution: "That it appears to this committee, that wines, of the produce of the European dominions of the French king, imported directly into this kingdom, shall in no case pay higher duties than the wines of Portugal now pay." Mr. Flood in a long and eloquent speech condemned the terms of the peace. Mr. Wilberforce rose in answer to Mr. Flood. He said, that the right honourable member's speech abounded with false reasoning, and unwarrantable conclusions. He had asserted that the manufacturers disliked the treaty: of his own knowledge he could take upon him to assert the reverse was the fact. He had seen a great number of the manufacturers of different descriptions, he had conversed with them upon the subject, and they all highly approved of the treaty. He next addressed himself to Mr. Fox, and said, he heartily wished he would come down to that House coolly and dispassionately: that he would sometimes forget that he was a politician, and consider matters under discussion with a greater degree of attention to their particular merits. He asked, to what end it was to tell a poor cottager, groaning under a load of taxes, and sitting with scarcely a snuff of candle to light him, while he was poring over a newspaper, containing a violent speech of the right honourable gentleman, so put together that the sense of it could scarcely be made out, that he was a balancer of the power of Europe, and a protector of its liberties? Was that a proper language to be told to such a man? Was it likely to stimulate him to better exertions or industry? He declared he had been run away with frequently by the oratory of the right honourable gentleman, and obliged to appeal to his reason and his principles to prevent being declaimed out of his understanding.

Mr. Fox rose to condemn the low and desponding arguments made use of by Mr. Wilberforce. That honourable gentleman had stated, in the meekness of his nature, that he dreamt not of power, nor did he wish to tread the paths of ambition; but immediately afterwards, he had a vision, which told him, that the navy of Great Britain must be kept up; and then he drew a most affecting picture of the distresses of poor cottagers groaning under the accumulated weight of taxes! This was, no doubt, a very ingenious mode of captivating the vulgar; but he would ask the honourable gentleman how the navy was to be supported without taxing the subject? Or how the visions of the honourable gentleman could be realized without a great expence to the nation? But the honourable gentleman had the admirable talent of making attacks under the shield of modesty. Was this country, then, not in a situation to take a part in preserving the

liberties of Europe? Was she so sunk in distress as to consider herself inadequate to the preservation of that to which she owed her existence, and her rank among the nations of Europe? Did the honourable gentleman mean to hold that language to the world? He wished to know if that was the language meant to be maintained; he wished some person in authority would stand up and say so, because he could then meet it fairly. Would the right honourable the chancellor of the exchequer himself declare, that we were no longer in a situation to hold the balance of power in Europe, and to be looked up to as the protector of its liberties? He should be glad to come at that point. As to the assertion, that a poor cottager was not to be talked to in that manner, he must maintain that he was; and notwithstanding the pressure of taxes under which the lower order of people in this country laboured, yet it was a comfort to hear that she was the balancer of power, and the protector of the liberties of Europe. That it was that enabled him to bear his poverty with cheerfulness, and to feel the satisfaction, amidst all his distress, of reflecting on the thought of his being one of the subjects of a free country, whose characteristic it was to balance the power of Europe. Shameful was the neglect which ministers had shewn in the formation of alliances. Till that unhappy period when we were left without an ally, we had always fought successfully. From that, however, he did not mean to contend, that it was better to build our hopes on the strength of our alliances than on the strength of our navy. He was aware of the difficulty which attended negociations of that nature; but he asserted, that ministers were culpable in turning away with impatience from any object which they might have attained, had they pursued it with persevering firmness. — Mr. Fox severely answered that part of Mr. Wilberforce's speech, in which he charged him with having said, that he had a peace with America in his pocket. The matter it alluded to, passed five years ago, and the honourable gentleman now brought it forward under a gross misrepresentation. He had never used the words, but had said there were those in Great Britain empowered to treat for peace. And the fact had turned out exactly as he had stated it. — With respect to the negociation with the Dutch, if there were any blame to be affixed to that measure, he was willing to take his share of it, though it had been done with the unanimous consent of his majesty's council. That it had failed he did not pretend to deny, and its failure, he verily believed, was owing to the influence of France. On that subject, however, he would say no more, as he could not see the connection between it and the French treaty, though the

honourable gentleman seemed to consider it as a strong argument in his favour.

After several members had delivered their sentiments,

Mr. Fox rose again and observed, that the circumstance which was very natural to happen, had arisen from the right honourable the chancellor of the exchequer having so properly declined to make any speech; and the debate had proceeded solely on the general merits of the treaty, without a single word having been said to the particular question before the committee. He would therefore bring forward an amendment which would go to the question immediately, and that was, to add, as part of the resolution, "that it was the opinion of the committee that the duties on the importation of Portugal wines should at the same time be lowered one third." This, Mr. Fox observed, would be an effectual means of preserving the Methuen treaty in full force, so far as it related to our part of the obligation, and would enable government more advantageously to negotiate the pending treaty with Portugal. The proposition was so self-evident, that he saw not any ground on which it was objectionable; but he was prepared to debate it either then, or, as it was so late an hour, the next day, if the right honourable gentleman and the committee thought proper. He added, that as the committee had not regularly before them any information that a treaty was pending, or what state it was in, it the more became them to convince Portugal, and all Europe, that their wish was to continue the Methuen treaty.

This motion was negatived without discussion, by 91 to 76. The original resolution was then put and carried.—Mr. Fox reprobated the conduct of ministers, and stated that the committee would be disgraced by such rash and ill-advised precipitancy and by such indecent hurry; he declared he would be no sharer in the shame that must result from a conduct so obnoxious to public censure; he therefore rose and left the House, followed by the whole opposition.

February 16.

This day Mr. Fox made another effort to induce the House to take some step for securing the continuance of the Methuen treaty, and averting the danger, to which he contended it was exposed by the resolution they had come to the preceding evening. On the order of the day being read, for the House to resolve itself into a committee to take into further consideration the treaty of navigation and commerce with France,

Mr. Fox rose and observed, that he was now resolved to submit to the consideration of the House the question which, on the preceding evening, he had been prevented from introducing, in a manner much more extraordinary than any interruption which, during the eighteen years of his having enjoyed a seat in parliament, he recollected to have experienced. If he might take the liberty of pressing his own opinion upon the House, he should unequivocally declare, that with this particularly important question their reputation and their dignity were closely interwoven. The question was at the same time so intimately connected with that part of the treaty with France then under deliberation, that it was impossible to pass it by, and not come to its consideration, without manifesting a disregard to Portugal little short of a direct affront. He had been much blamed, in the debate of the preceding day, and described as a person peculiarly fond of talking of alliances with foreign courts, of treaties, and of negociations. That he was addicted to fall into that vein of debate, unless when it was necessarily and unavoidably connected with his subject, he was not himself aware, nor did he believe that this was really the fact; but how subjects, in which negociations, treaties and alliances with foreign courts were involved, and with which those matters were inseparably connected, could be properly, or rather could be at all discussed, without a reference to those topics, he was at a loss to conjecture, unless that House was to take the advice given by an honourable gentleman, and no longer consider themselves as politicians. That advice not happening to suit with his notion of the duty of a member of parliament, he, for one, must be excused if he continued to think, that it became him, and every gentleman entitled to a seat within those walls, to consider himself as a politician, and to direct his opinions accordingly. He had thought it necessary to premise thus much, because he was afraid that he must again that day incur the censure which had been cast on him the day before, and make mention of those topics once more, which it had been said he was too much inclined to talk upon.

After an exordium to this purport, Mr. Fox said, the subject to which he meant to draw the attention of the House was the reserve made in the seventh article of the treaty of navigation and commerce with France in favour of our connection with Portugal under the Methuen treaty. The committee had the preceding evening come to a resolution to lower the duties on the wines of France on importation into this country; it appeared to him, then, to be highly and indispensably necessary, that the second part of that resolution

should be a resolution to lower the wines of Portugal to that reduction at which they were intended to stand, provided the Methuen treaty was to continue, and things to go on as they had done from the time of concluding that treaty in the year 1703.

Mr. Fox directed all his arguments to prove the indispensable necessity that he had stated, and to convince the House, that if they did not come to the resolution then, they indicated a negligence respecting the continuance of the connection of the two kingdoms under the Methuen treaty, and an indifference to the commercial benefit thence derived reciprocally to both countries. He professed himself aware that it had been contended that the Methuen treaty bound Portugal only, and that it was optional in Great Britain to take the wines of Portugal or not. This he knew others contradicted, and maintained that we were bound to take the wines of Portugal on low duties, as much as Portugal was bound to admit our woollen cloths. But in whichever point of view it was considered, the advantages of the Methuen treaty had been so great, that we should act in the most unwise and impolitic manner, if we did not take every step on our part to convince Portugal that we were desirous of continuing the connection. He had never been fond of that mode of arguing which deemed exports a gain and imports a loss; but admitting for the moment and for the sake of argument, that this was the true way of judging, in the case of Portugal the argument so managed was strong in favour of our adhering to the Methuen treaty. Our imports from Portugal consisted of brazil, cotton, of oil, of dyeing drugs, of salt to salt our fish with, and of other articles without which we could not possibly contrive to go on as a commercial country; if, therefore, imports were a loss, they were a loss in this particular, that we could not possibly do without sustaining. If our connection with Portugal was put a stop to, we must go and purchase our loss at another market; for the articles of our imports from Portugal, as he had before stated, were what we must at any rate procure. On the other hand, our export trade to Portugal, was a most valuable one. It amounted to near a million annually, and was otherwise precious to us, because the commodities now exported to Portugal were saleable in no other market. The Portuguese, he understood, took from us the whole produce of a woollen manufacture in Yorkshire. He knew not the name of the cloths, but it was an undeniable fact, that the consumption of Portugal was equal to the whole produce of the manufactory in question, and that the woollens were saleable no where else. This, then, alone was

an important consideration: but, added to this, Portugal annually bought a very considerable quantity of salt fish — another commodity for the sale of which we could find no other market. Formerly, there was another very considerable export, an export of corn to Portugal; but that had lately dwindled to nothing, which he imputed to our increased home consumption.

Mr. Fox said, he was aware, that the salt fish carried to Portugal was conveyed thither, not under any agreement or stipulation in the Methuen treaty, but under the conditions of anterior treaties, and therefore it might be fair to suppose, that if the Methuen treaty was put an end to, we still had a right to expect that the faith of anterior treaties should be complied with. He entered here, however, into a series of arguments, to shew the possibility of the putting an end to the Methuen treaty being considered by Portugal as a separation *in toto* from all connection with this country, taking care to guard this doctrine by an explicit declaration, that Portugal had derived such advantages from her connection with Great Britain, and must necessarily be so serious a loser, by giving up all pretence to her protection, that if, by a lamentable state of perverseness, or the influence of bad advice, she should be induced to break all connection with us, and risk her safety in the best bargain she could make with her neighbouring continental powers, she would do the most rash, most unadvised, and the most absurd act that ever a country, situated like Portugal, could commit. At the same time it was to be remembered, that greatly as the balance of advantage derived from the connection under the Methuen treaty, was in favour of Portugal, Great Britain would feel no inconsiderable inconvenience from the loss even of such an ally as Portugal. What our commercial disadvantage would be, he had stated in enumerating the species, and mentioning the value, of our exports to Portugal. Our political disadvantage might also be serious. In case of a war with the House of Bourbon, we should feel — perhaps severely feel — the want of some friendly port from Gottenburgh, now a French port, down to Gibraltar. These were not ideal inconveniences, and, rash as it would be in Portugal to put us into such a situation, we could not but thence lament the loss of such an ally.

Again must he repeat, and press most earnestly upon the consideration of the House, that all the too sanguine supporters of the treaty should consider the relative situation of England and Portugal. For near a century back, an alliance of mutual, though he would not say of equal convenience, had subsisted between them. The connection, he was ready

to acknowledge, was more necessary to Portugal than it was to England, considered in a political point of view. She allowed us great commercial advantages in return for protection. Such was the condition, and such the politics of the European potentates, that the weaker states must court the alliance of the more powerful. Now, was it not highly probable, that our conduct might induce the Portuguese to reflect, that they were near neighbours to Spain, and that they were no longer natural enemies; that nature intended them to supply each other's wants, and to exchange commodities for their reciprocal benefit? This, at least, might as well be said of Portugal and Spain, as of France and England; and might induce Portugal blindly to throw herself into the arms of Spain, and to add her balance to the already preponderating weight of the House of Bourbon. Thus should we not only lose the benefits we might derive from an alliance with Portugal, but have her in the scale against us. Nothing could more tend to exasperate, and move her to act in this manner, than the present conduct of ministers. The pride and dignity of Portugal, as an independent kingdom, had been wounded by them. No person in this House was more an advocate for acting with vigour towards foreign states than he was; but he confessed that he thought this rigid tone might be assumed with more honour and justice towards other states than towards Portugal. Not long ago we were blamed by all Europe for our insolence; and he was sorry to find, that we should not be acquitted of the exercise of that vice. If we thought proper to retain our style of haughtiness, it ought to be towards our old rivals and equals in power, and not a subordinate, and, in respect to us, a very defenceless people. That was far from being the conduct that a brave and a generous nation ought to adopt.

Mr. Fox contended strenuously, that if the House did not instruct the committee to come to an immediate resolution, that the duties on the wines of Portugal should be lowered one third, they, in fact, broke the Methuen treaty, or at least departed from its spirit and meaning; intimated to Portugal a ground of doubt as to their intention of not ultimately complying with the Methuen treaty, and, in fact, for the moment paid France a compliment at the expence of Portugal, by holding it out to all the world, that during the course of their proceedings France was preferred, and her interests first attended to. Suppose, said Mr. Fox, that the Queen of Portugal were to publish an edict, prohibiting the importation of our woollens into her dominions, would this country think that a handsome thing towards them, or that it dignified their ground for renewing a negotiation? In like

manner let them feel for Portugal; if the Methuen treaty was not recognized without delay, it was virtually broken, because the duties on the wines of Portugal, as far as the ultimate intention of the legislature was to be collected from a resolution of the House of Commons, appeared to stand on the same footing as the duties on the wines of France; and if they actually were left to stand on that footing, every gentleman knew it would be a direct violation of the Methuen treaty. Great, indeed, was the difference between recognizing the condition of the Methuen treaty primarily and secondarily, or in other words, by a resolution antecedent to the sending the bill to be brought in upon the resolutions come to in the committee, up to the House of Lords, or by a resolution afterwards. But what he contended was the strongest argument to induce the House to act in the manner he had advised, was their not having before them in due parliamentary form, any grounds whatever to lead them to suspend an act expressive of readiness on their part to manifest their desire to comply with the Methuen treaty. They had, indeed, heard of negociations pending with Portugal, and they had heard of grievances complained of, but they knew not the grievances, nor the situation and circumstances of the pending negociations. They knew not that the complaints of grievances were even justly founded, and therefore as a House of Parliament they had no grounds whatever to induce them to act otherwise than as if no negociation whatever was pending, nor any complaints of grievances existing. Mr. Fox pressed this as the great foundation of his argument, and as the basis of his motion, and after a variety of other points, recapitulated what he had set out with, namely, a statement of the two points of view in which the Methuen treaty had been considered as binding on Portugal, and optional with regard to us; or, as binding equally on Portugal and Great Britain. He concluded with moving, "That it be an instruction to the said committee, that they do, in the first place, proceed to consider of reducing the duties upon wines directly imported from Portugal into Great Britain, so that such wines may pay no higher duties than two-thirds of the duties to be imposed upon wines imported directly from France."

The motion was supported with great ability by Sir Grey Cooper, and opposed by Mr. Pitt, as interfering by a premature resolution in a matter delegated by the constitution to the executive government. With respect to what had been said of the House having no parliamentary knowledge of a pending negociation, he asserted that a declaration delivered by him in his place,

and as a minister, that such a negociation was pending, was entitled to be considered as formal parliamentary information. He concluded with repeating his declaration, that he had every reason to expect the negotiation would prove successful; if, however, it should not succeed, he would lay before the House, for their judgments, the grounds upon which it had failed.

Mr. Fox said, he would not take the sense of the House, as the right honourable gentleman had put the matter upon such an issue. He said the right honourable gentleman had rested on an assertion, but no argument. The right honourable gentleman, the House would remember, was responsible, not for the success of the measure, as that no man could answer for, but for any unfortunate turn the treaty might take in consequence of the mode of negotiation, the right honourable gentleman, as a minister, had thought proper to choose. Mr. Fox defended his motion, and denied that it would have embarrassed government; on the contrary, he contended it would have been a good ground for government to have acted upon. He by no means consented to admit that his motion was an active measure in favour of Portugal, and beyond what she had a just right to. He contended it was exactly the reverse, and to prove the argument, he again put the case, that if the Queen of Portugal should have issued an edict prohibiting the export of our woollens, he should have thought she had acted unfairly by us. His motion, he insisted upon it, was an act of bare justice to Portugal.

The motion was negatived without a division. The House then went into the committee, in which the remaining resolutions were carried. On the 19th they were reported to the House, and finally agreed to, upon a division, by a great majority.

February 21.

The last debate which this important measure gave rise to, took place this day, upon the motion of Mr. Blackburne, the member for Lancashire, "That an humble address be presented to his majesty, assuring his majesty that we have taken into our most serious consideration the provisions contained in the treaty of navigation and commerce, concluded between his majesty and the most christian king; and that we beg leave to approach his majesty with our sincere and grateful acknowledgements for this additional proof of his majesty's constant attention to the welfare and happiness of his subjects.—That we shall proceed with all proper expedition in taking such steps as may be necessary for giving effect to a system so well calculated to promote a beneficial intercourse between Great Britain and France, and to give additional perma-

nence to the blessings of peace.—That it is our firm persuasion, that we cannot more effectually consult the general interests of our country, and the glory of his majesty's reign, than by concurring in a measure which tends to the extension of trade, and the encouragement of industry and manufacture, the genial sources of national wealth, and the surest foundation of the prosperity and happiness of his majesty's dominions."

In opposition to the address Mr. Charles Grey*, the representative for Northumberland, made his maiden speech, and astonished the House by another of those wonderful displays of oratorical abilities, which, in the course of a few years, had burst forth, on every side, amongst its younger members. Mr. Grey was acknowledged not to be inferior to any of those who preceded him, in copiousness and elegance of diction, in strength of argument, or in perspicuity of arrangement, and superior to them all in the graces of elocution. He agreed with Mr. Fox in considering the general policy of the measure as by far the most important object it involved; he stated at large the relative situation and political interests of the two nations, and from thence inferred the wisdom of that established system of our policy, in which France had always been regarded with the most suspicious jealousy at least, if not as our natural foe. He confirmed these opinions by a reference to our unvaried experience; and asked upon what grounds it was presumed that she had at once totally abandoned all her ancient political principles, and had no longer any object in view inimical to our interests? He endeavoured to prove, that the present moment was perhaps that, of all others, in which our jealousy ought to be the most awake, and in which we had the least reason for reposing any confidence in her. With this view he read a state paper, which had passed between M. de Calonne, the French minister, and Mr. Jefferson, the plenipotentiary of the United States of America in Paris. It contained a proposition on the part of France to concede to that country, without stipulation, a great variety of commercial advantages detrimental to her own revenues, in which no other European nation, not even the Spaniards, were indulged. And was it to be supposed that France really expected no equivalent? She doubtless expected it in a monopoly of that trade which we once enjoyed, and which constituted two-thirds of our commercial marine:—she expected it in the augmentation of her own navy, and in the ruin of ours. Whilst she was enticing us by what had been justly called by Mr. Fox a "tempting bait," to conclude a treaty of commerce with her for the supply of her own market, she had been securing customers to take the commodities off her hands; and thus not only to become the carrier, but to trade to an extent she had hitherto been unable to aspire at, upon the capital of this country. Another object which he believed France had in view, was to render us as much politically insulated, as we were insulated in our local situation. One effect which she would look for in this tempting treaty was, to draw us off from seeking alliances with the

* The present Earl Grey.

rest of Europe; it had already, in some degree, produced this effect, as was manifest from the coldness which ministers discovered with respect to the Methuen treaty. He earnestly recommended, instead of the present treaty, a more intimate connection with America; such an intercourse would be the most eligible for Great Britain that could be devised, and entirely consistent with her true political interests; and such an intercourse he had the best reasons for believing America was both willing and eager to enter into upon fair and equitable terms. He remarked upon the indecency as well as the impolicy of granting to France what we had refused to Ireland, and of giving to a rival and a natural enemy what we had withheld from our friends and fellow-subjects. With respect to all the temporary advantages, some of which he believed might reasonably be expected from the treaty, they were to him additional reasons for rejecting it. Every offer of service from France, he regarded with suspicion —

——timeo Danaos & dona ferentes—
——Aut ulla putatis
Dona carere dolis Danaum?

The address was also opposed by Mr. Burke and Mr. Sheridan, and supported by Mr. W. Grenville, Mr. D. Pulteney, Lord Mornington and others, upon the grounds already stated; but at a late hour an objection to the address was stated by Mr. Welbore Ellis, who contended that the motion for an address in the present stage of the business was premature, unprecedented, and unparliamentary, tending to deprive the House of its powers of deliberation, and to pledge them to pass bills for carrying the provisions of the treaty into effect. He therefore moved the previous question. Mr. Anstruther defied ministers to produce a single instance from the journals that could in any manner be brought to bear upon so extraordinary a proceeding. Mr. Adam endeavoured to shew, that, by the principles adopted by parliament, and the invariable practice of the House, the address ought to be resisted by all who had any regard for the independence of the House of Commons, or the dignity and honour of the crown. The proceedings of parliament upon the treaty of Utrecht were referred to as a case in point, and as an useful lesson to the House against hastiness and precipitation. That treaty was laid before the House by a message from the queen. A committee of the whole House was appointed to take the 8th and 9th articles into consideration. After a long debate in that committee, on the question that the House be moved for leave to bring in a bill to make effectual the 8th and 9th articles of the treaty of commerce, the question was carried by a very large majority, greater than on any vote on the present treaty. The bill was brought in, and read a first time, at the distance of a fortnight from the vote in the first committee. There was an interval of a week between the first and second reading of the bill. Petitions now came in from all quarters: and the committee on the bill sat for many days to hear the petitioners by their counsel against the treaty. The report from this committee was received and agreed to. But on the question, that the bill with amendments be engrossed, it was carried

in the negative by a majority of nine. No address was presented to the queen till after the rejection of the bill.

Mr. Fox said, that the House having had the goodness to hear him so frequently, and sometimes at considerable length, upon the subject of the commercial treaty, he would not, they might rest assured, abuse their indulgence, but would in a very brief manner offer a few observations to their notice on the immediate matter before them. With regard to the address, of all the practices of administration, it was the most alarming, the most dangerous, and the most unconstitutional. He would not, indeed, go so far as an honourable and learned friend of his had gone, and agree, that if a single precedent could be found upon the journals for such a proceeding, he would relinquish the point, and vote for the address. There might be, and there undoubtedly were, bad precedents upon the journals in a great many instances. There might possibly, therefore, be a precedent for the present proceeeding, but if there should be a precedent to be found, he would venture to say, that it must be a precedent to be reprobated, and not a precedent fit to be made an example.

Mr. Fox reminded the House that the address went to deprive the House of its legislative capacity, to preclude debate, and to render null and void all those forms which the wisdom of their ancestors had provided, as the parliamentary cautions and guards against surprize, and for the purpose of preventing any measure of a legislative nature from being hurried through the House, without ample deliberation and ample discussion. Had the business been brought on in the usual way, they would have enjoyed full time to know the opinion of the manufacturers, and to discuss the subject again and again, before they came to a decisive vote upon it. In all cases of trade, the forms of the House obliged the matter to be first submitted to a committee of the whole House, where resolutions were necessary to be moved, and consequently where the matter was in the first instance open to debate. The resolutions, when agreed to, were reported to the House, and on the House agreeing to the report, a bill was ordered in. Had that been the mode of proceeding adopted in the present case, instead of a premature address, the House would have had six stages to have discussed the subject in, before they came to their ultimate vote. The bill must be read a first time, it must be read a second time, committed, reported, engrossed and read a third time, and passed. At every one of these several stages, the House would have found ample opportunity of debating deliberately; whereas what was the case then? They were called on to vote an address which tied up their hands,

which pledged the House to support whatever bill might be brought in, and precluded all future debate and all future discussion.

Mr. Fox said, that this was an ill omen of our future intercourse with France; it was a bad beginning; it was adopting and copying the French constitution at the same time that we were about to take the French commerce. It was commencing our intercourse with France in a most inauspicious manner, and it was not more ungraceful than unnecessary, because the coming to a vote upon the address would not accelerate the conclusion of the proceedings on the commercial treaty; it would not forward them one hour. Would it not then, on every account, have been more wise, more grave, and more becoming that House, to have proceeded in the usual way by bill, and after they had gone through all the six stages, through which a bill must necessarily pass, would it not have been better, in every sense of the word, to have then voted an address, and gone up to the throne with it, informing his majesty, that his faithful commons had complied with his royal requisition in his speech to parliament, and agreed to support the commercial treaty with France? Mr. Fox put this in a most striking point of view, and said, that should the address unfortunately pass, which he flattered himself it would not, he must in that case heartily wish that the House had been in a committee, if it were only to save the Speaker from the shame and disgrace of going up to his majesty and presenting an address. What sort of a speech could the right honourable gentleman possibly make, should he have the disagreeable task of attending at St. James's with the address? With what an aukward feeling must the right honourable gentleman say, that his majesty's faithful commons had destroyed their own forms, and grossly violated the constitution. He reasoned upon this for some time, and after stating it powerfully in various ways, he urged to the House the great unreasonableness of the right honourable gentleman opposite to him, if he pressed the motion on the address at that time, since it was evident that he would not forward the business by so doing. It was not delay, he said, that he was contending for, because the delaying the address could not operate as any procrastination of the measures to be taken for the conclusion of the treaty. He took notice of the contempt with which an honourable and learned gentleman had talked of the manufacturers who signed the petition on their table. They were not, he said, a "few solitary" manufacturers as they had been described to be, but men of undoubted character and undoubted worth and honour. Men, who, when they came before that House, either as the delegates and represen-

tatives of others, or in their own individual character, were well entitled to be received and listened to with attention. They had a right to be heard in every stage of the business; but how would the House be able to hear them after the address was presented, when they would be precluded from acting upon any information, however important, that Mr. Walker or Mr. Holmes, or any other of the subscribers, might lay before the House? Having put these questions strongly, and paid an handsome compliment to his honourable friend Mr. Grey, Mr. Fox at last concluded a most animated speech, with expressing his hope, that it would be the determination of the House to reject the address for the present, by agreeing to the motion for the previous question, since, if they did not, they would not only make a bad precedent for that House, but as absolutely preclude the House of Lords from free debate, as if they had followed the example of Oliver Cromwell, and silenced that necessary and constitutional branch of the legislature.

In answer to these objections, Mr. Pitt insisted upon the address on the Irish propositions, but two years before, as a precedent in point, in favour of the mode of proceeding he had adopted. Mr. Sheridan rose with great warmth, and many gentlemen calling out spoke! spoke! he said he meant to move a new question, the question of adjournment; in order that he might have an opportunity of proposing a resolution upon the subject of the extraordinary doctrines which had been laid down; doctrines as new and as unconstitutional as ever were heard in those walls! — The question of adjournment being put,

Mr. Fox said, that as his honourable friend had omitted to state what resolution he meant to move, he would declare, that his object was to move a resolution, "that it was the opinion of that House, that it was impossible for them to bind or preclude themselves by an address to the throne, from either debating or voting upon any subsequent legislative question whatever." Mr. Fox reiterated his former arguments, to shew the propriety of proceeding by way of bill, and instanced the case of the Irish propositions, declaring that no man present dreamt of moving an address, stating in express words to the throne, that the House would pass any specific number of bills for the purpose of enforcing the propositions. Had such an address been moved, it would have been reprobated. In the case of the peace of Utrecht, let the House recollect that a bill had been brought in to enact the eighth and ninth articles of the treaty of commerce. The question for leave to bring in the bill had, on a division, been carried by an uncommonly large majority, the numbers having been above

100 to 12 or 13. It was read a second time upon a division of a large majority also, and it went through the committee, and two or three days afterwards, was in the very last stage thrown out by a majority of 194 voices against 185 *. This proved the importance of a regular compliance with the forms of the House, and a due exercise of their deliberative powers. A large majority had thus been, by mere dint of debate and discussion, converted into a minority, and one of the worst, and most hostile treaties to the British constitution that ever was heard of, was put an end to and annihilated. What was the reason that the right honourable gentleman did not proceed in the same way now? The reason was obvious. Aware of the event of 1713, he was determined to proceed in another manner; and in order to ensure the success of his treaty, instead of risquing the chance of deliberation, he had profited by the fate of the treaty of Utrecht, and had caused an address to be moved to tie up the hands of the House, and preclude all debate and all danger of future opposition. Had Lord Bolingbroke and Mr. Harley, in the year 1713, been aware of the fate of their treaty, they no doubt would have aimed at doing the same thing; but in those days when one of the most powerful factions governed this country that had ever been in possession of power, they never dreamt of venturing such a length as the right honourable gentleman, who had profited by the short-sightedness of the ministry of 1713, and had whetted his sagacity upon their dulness.

The motion for an adjournment was then negatived. After which the House divided on the previous question:

	Tellers.			*Tellers.*	
YEAS	Mr. Rose Mr. M. A. Taylor	236.	NOES	Lord Maitland Lord Downe.	116.

So it was resolved in the affirmative, and the main question being put, the address was agreed to, and ordered to be communicated, at a conference, to the lords.

MR. FOX'S MOTION RESPECTING THE NATURE AND EXTENT OF PARLIAMENTARY ADDRESSES TO THE KING.

March 7.

IN consequence of the preceding debate, and in pursuance of a notice which he had given,

* See New Parliamentary History of England, vol. vi. pp. 1210. 1220.

Mr. Fox rose for the purpose of making a motion concerning the nature and extent of parliamentary addresses to the crown. He said, that he felt it his duty to call the attention of the House to a few remarks which he must beg leave to make on a recent occurrence, in which, at least in his conception, were most essentially involved the established rights of parliament, and the best interests of the nation. The matter to which he alluded was the address which that House had thought proper to vote on the commercial treaty. The time at which this address was moved and passed tended, in his mind, to subvert the forms of parliament, and thereby to destroy the legislative authority, the spirit of the constitution, and, consequently, the dearest privileges of the nation. On the preservation of the forms of parliament the security of the laws depended. No part of the constitution had been more tenaciously preserved than the forms by which all laws were enacted. If the forms were dispensed with, the constitution of the legislature must be annihilated; and he thought that the forms were destroyed by the address being passed on a subject before that subject was determined. For this address, having been passed after certain resolutions had passed, and previous to a bill being brought in founded upon those resolutions, the House were precluded from exercising their right of decision on the subject; and the words of the address containing not only an approbation, but a pledge, of using the earliest means of carrying the treaty into effect, he thought the intention was to preclude parliament from the exercise of their opinions, with which they were invested by the constitution. With respect to the system of this parliamentary form, as to its efficient political principle, he should observe, that the mode of passing bills, both in this and the other House, was certainly very deliberate. It might indeed, in the opinion of some, be considered tedious; but those gentlemen who entertained such sentiments betrayed their rashness and inexperience. He did not mean to say what were the forms of the other House; he had never studied them, and was therefore not so well acquainted with them as with those of the House of Commons. In the latter, in the form of passing a bill of such importance as the present, there were several stages. A bill relating to commerce or finance, was, 1st, moved for in a committee; 2d, that committee reported; 3d, leave was given to bring in a bill; 4th, the bill was read a first time; 5th, a second time; 6th, committed; 7th, reported; 8th, read a third time; and 9th, passed; besides two other stages of lesser consideration, the engrossment, and the motion for leaving the chair.

The reason of these different stages was in order to give

parliament so many different opportunities of considering the tendency of the measure before they finally gave it their concurrence. This caution was therefore exceedingly wise; for nothing required more deliberation than laws enacted for the welfare, protection, and government of the people; and therefore it became their constitutional guardians, their representatives, to be exceedingly cautious of adopting any measure which might tend to preclude them from the free and unlimited exercise of their judgments, on every subject in which the interests of the country were essentially concerned. It was with this view that he meant to submit to them, before he sat down, his motion; for he was clearly of opinion, that the address which the House had lately voted to his majesty was an infringement of the free, unbiassed, and unrestrained exercise of their judgment. After the business had been only four or five days before parliament, and in its second stage, the House had absolutely come to a vote which precluded them from giving any opinion in the subsequent stages through which the treaty was to pass; and thus, whatever their sentiments were, or might be, they could not prove availing. Having pledged themselves to his majesty to take all early and possible means of carrying the said treaty into effect, they were reduced to a very unpleasant dilemma, either to let the treaty pass, however repugnant its principles, or subject themselves to the charge of having given a faithless promise to his majesty. This was of all situations the most to be avoided. It was derogatory to that sacred faith which should be preserved, and that respect which they should entertain in all concerns either of addresses or promises to the sovereign. As to the plea that no necessity existed for adhering to the accustomed parliamentary forms in the present transaction, he could not see any principle in the commercial treaty which could authorise parliament to let it pass with less inquiry and circumspection than even the most ordinary concerns. On the contrary, it was a subject, which, of all others, required the most deliberate investigation. Besides, being a commercial question, it became such a subject that the parliament had thought it expedient even to add two more stages to the investigation than what were adopted on ordinary concerns. The committee of the whole House and the report were added by a resolution of parliament in the year 1772. Thus, not only the invariable custom of ancient times evinced the necessity of giving every possible opportunity for the House to consider most maturely the tendency of any bill in its different stages; but the opinion of modern times had been, that it was necessary to increase the stages of inquiry on a subject of such importance. With regard to himself, he had been censured for repeatedly recurring to one subject. But this was a species of censure

which he should treat with contempt. This was the case in the present instance. He had, during the progress of this business, frequently mentioned the treaty of Utrecht. He should now beg leave to mention that subject again, as it tended to illustrate what he had to propose to the House. Had the ministry of that day voted an address to Queen Anne, and in it induced parliament to pledge themselves to carry the said treaty into effect at the time of its progress through the House, as they had on the present occasion, the consequence must have been the passing of the commercial part of the treaty into a law; for it was only by not doing it that this evil had been avoided. During the first stages of the consideration of that treaty in parliament, there was no material opposition. On the contrary, it passed through the Committee, and was reported by very considerable majorities. But, in the subsequent stages, information was obtained, objections were made, and the majority of parliament very wisely rejected it, as a measure that threatened the whole commercial interest of the country almost with annihilation. Happy, therefore, it was, that the ministry of that day did not bring a motion for an address to his majesty before parliament, when the majorities of the House were so much in favour of the treaty. If they had, the address would certainly have passed, and the country would have been ruined. To this he attributed all the subsequent prosperity and glory we had acquired. To the rejection of the commercial part of the treaty that great queen owed her highest honours, if not her regal dignities.

Mr. Fox now adverted to the manner in which the bill for carrying the treaty into effect had been connected with that for the consolidation of the customs. This, he observed, had likewise a close relation to the subject on which he had been troubling the House. By this vote of address, the Lords in the other House would not have an opportunity of exercising their judgments in the passing of the bill to which he alluded. Besides, as it was connected with the consolidation of the customs, they were even precluded, by this means, of exercising the only right they had — with respect to a money bill — of adopting or rejecting it. If they were disposed to reject the consolidation bill, they could not, as it was connected with a subject they had pledged themselves to carry into effect. And if they were disposed to alter any parts of the commercial treaty, with regard to any matter in their power, they could not, as it formed part of a money bill; and thus was the exercise of their lordships' rights fettered by the address, and by uniting these two subjects. This address, too, would entirely prevent the House from adopting any system that might here-

after be settled with respect to Portugal, if such system deviated from that established in the treaty with France. We had, therefore, not only deprived ourselves of the privilege of exercising our opinions and discretion, with regard to the treaty itself; but we had likewise deprived ourselves of the privilege of exercising any opinion or decision on pending treaties with foreign powers, if they did not happen perfectly to coincide with the one negotiated with France.

Mr. Fox now made some observations on the manner in which the court of France had depended on the ratification of this treaty. They had stated in the convention—"as soon as it had received the sanction of the law." But to receive this sanction of the law, it must be submitted to all those forms and investigations which constituted our laws. And as the address prevented this possibility, the treaty could not be said to have the sanction of the law. How, then, could the French court expect it to be ratified? He consequently thought that the address had absolutely destroyed the legal possibility of the treaty being so carried into effect as to admit of a ratification. To have the sanction of our laws, as he before observed, it was necessary that it should pass every form of parliament. But if that House was precluded from giving their opinions, whatever forms or stages it might pass through, they could be of no effect with regard to legal efficiency. In this point of view, he thought the address absolutely destructive of the intention for which it was professedly moved—that of carrying the subject as immediately into effect as possible. For nothing could have the efficiency of law that was not properly submitted to those forms which the constitution prescribed for the making of such laws.

Mr. Fox next adverted to the nature of addresses to his majesty. There were two modes in which such addresses were necessary and serviceable. These were with regard to negociation and the prosecution of war. In both these instances, addresses strengthened the effort of Government. But then, they contained no particular pledges. They contained, in general terms, an offer of their lives and properties in support of the measures then prosecuting. But how did such addresses differ from the present? Instead of containing a general disposition or approbation of a treaty being formed with France, it contained a specific assurance that the particulars of the treaty should be carried into effect. What was this but interfering, in the most unconstitutional manner, with the rights of the legislature? What had the House done in agreeing to such an address? They had even given a sacred promise to majesty which it was not in their power to give. No opinion, at least no assurance could be given, that

any measure should be carried into effect while it was depending in parliament. For there was no stage of any bill passing through that House, in which parliament could assure any one that it should pass, until the last stage. Then a decided assurance might be given, and not before.

Thus had parliament, by this address, given his majesty an assurance, which they could not give, consistently with the principles of the constitution. They were likewise so situated, that all future proceedings in this business would be nugatory. They had dispensed with their own privileges; and however inimical they might find it hereafter, they must carry the treaty into effect. They had pledged themselves to their sovereign; and if they did not mean to couch a faithless promise under a solemn assurance to his majesty, they could not recede from their vote. This was the predicament to which they were reduced by this premature proceeding. And in what manner to rescue themselves from either of these alternatives he knew not. But in order to relieve them as far as it was possible from their embarrassing situation, he would offer a protest, or motion, whereby the House would declare they were not bound by any address to the throne from deliberating and acting in its legislative capacity; nor that the subject was, in any degree prevented from petitioning the House in consequence of such address. This, he said, would be a declaration of right; and would tend to do away the unconstitutional effects of the address. He accordingly moved, "That no address from this House, to the throne, can in any degree bind or pledge this House, in its legislative capacity, or bar the subjects' right of petitioning this House, upon any bill depending in parliament, although such bill be founded upon, and conformable to such address, previously agreed to by the House."

Mr. Pitt opposed the motion, and moved, in order to negative the whole, to prefix the following words by way of amendment, "That it is necessary to declare that, &c." This amendment being carried, the House divided on the main question so amended:

	Tellers.			*Tellers.*	
YEAS	Mr. North, Mr. Jolliffe	113.	NOES	Mr. Neville, Mr. Steele	188.

So it passed in the negative.

Articles of Charge against Mr. Hastings.

February 7.

ON the first day of the session Mr. Burke gave notice that he should renew the proceedings against Mr. Hastings on the 1st of February. That and the following day were spent in examining Mr. Middleton and Sir Elijah Impey; and on Wednesday, the 7th, Mr. Sheridan opened the third charge against Mr. Hastings, viz. the resumption of the jaghires, and the confiscation of the treasures of the princesses of Oude, the mother and grandmother of the reigning nabob. The subject of this charge was peculiarly fitted for displaying all the pathetic powers of eloquence; and never were they displayed with greater skill, force, and elegance, than upon this occasion. For five hours and a half Mr. Sheridan kept the attention of the house (which from the expectation of the day was uncommonly crowded) fascinated by his eloquence; and when he sat down, the whole house, the members, peers, and strangers, involuntarily joined in a tumult of applause, and adopted a mode of expressing their approbation, new and irregular in that house, by loudly and repeatedly clapping with their hands. Mr. Burke declared it to be the most astonishing effort of eloquence, argument, and wit united, of which there is any record or tradition. Sir William Dolben said, that the speech of Mr. Sheridan had stated in so able a manner such a variety of facts and arguments, as entirely to have exhausted the spirits as well as the attention of the Committee; he therefore thought it would be most proper to adjourn the debate. This would give gentlemen time to recruit their spirits, and to collect their exhausted attention. It was now a very late hour. It would be impossible, should they prosecute the business, to come to any vote without adjourning. And indeed, he confessed, that in the present state of his mind it would be impossible for him to give a determinate opinion. Mr. Stanhope said, that when he entered the House, he was not ashamed to acknowledge that his opinion inclined rather to the side of Mr. Hastings; but such had been the wonderful effect of the honourable gentleman's convincing statement of facts, and irresistible eloquence, that he now with as much freedom acknowledged, that he could not say but his sentiments were materially changed. Nothing, indeed, but information almost equal to a miracle, could, he thought, determine him not to vote against the accused: but, however, as he found such had been the effect of what he had heard, he could not by any means then determine to give his vote. He wished to collect his reason, and calmly to consider the truth and justice of what had been stated with such apparent aid of truth, as to render it beyond the power of contradiction.

Mr. Fox said, he could by no means consent to an adjournment, standing as the question in debate then stood. As to the lateness of the night, it was but twelve o'clock; and surely no gentleman would contend, that without any other reason being assigned, merely the lateness of the hour was a sufficient reason. At present the committee had heard a very brilliant speech from his honourable friend; a speech, every word of which carried conviction to his mind; and, it was pretty obvious, it had made no small impression on the minds of the House in general. He flattered himself, therefore, that there was likely to be very little difference of opinion in the House; and, in that case, he saw no reason why they could not proceed, and come to the question. If any of the friends of Mr. Hastings wished to rise, and offer any thing, that they might think likely to efface or lessen the impression made by what had fallen from his honourable friend, that was the fit moment for offering it: but as nothing had yet been said that was likely to have that effect, unless gentlemen had any doubts to state, and would be so good as to open them, he must oppose the motion for adjourning under such circumstances, as improper and unprecedented.

Mr. Pitt said, that on a question of so complicated a nature, it was scarcely to be supposed that there would not be some difference of opinion; possibly therefore, although the hour was not so far advanced as it sometimes had been on former occasions, it might be advisable to adjourn then. For his part, he would not then declare in which way he had made up his mind to vote; yet he meant to deliver his sentiments at large on the motion, and should unavoidably be obliged to take up a good deal of the time of the committee. With regard to the honourable gentleman, all the impression that genius and talents could command, his speech certainly would make: but surely the honourable gentleman's friends paid him an ill compliment in supposing, that four and twenty hours would obliterate the effect, or blunt the pressure of his arguments. An abler speech had, perhaps, never been delivered; but though he was willing to pay that tribute to the honourable gentleman which his abilities deserved, he by no means could agree, that because one dazzling speech had been delivered, other gentlemen ought not to be permitted to deliver their sentiments.

Mr. Fox said that so alarming a precedent as that of adjourning merely because one fine speech had been delivered, was what he never could consent to; and he was sure the right honourable gentleman was not aware of the badness of the precedent such a proceeding would establish when he proposed it. Would the right honourable gentleman, for instance, on days when he had a motion to make, and there was occasion,

as there often had been, for him to introduce it with a very long speech, choose, that, as soon as he had done speaking, the House should adjourn, in order to afford gentlemen time to consider of that speech, and to find out in what manner they could best answer it? He was sure that was a mode of doing business that the right honourable gentleman by no means wished to grow into custom. With regard to the compliment paid to his honourable friend, he knew his honourable friend too well, to think he wished for that sort of compliment conveyed by delay. His honourable friend had the cause and the justice of it, in which he had pleaded so powerfully as to flash conviction on almost every man's mind, too much at heart, to desire to postpone the decision that ought to follow his argument. His honourable friend had spoken ably, and indeed almost miraculously, as an honourable gentleman had expressed it; but why had he done so? Not merely because he had the gift of singular and superior talents, but because he had spoken in a right cause—because he had a heart susceptible of feeling, and capable of sympathising with the woes of those who claimed protection on account of their innocence and their defenceless condition, and on account of the unparalleled oppressions they had endured. His honourable friend's speech had been called, and justly called, an eloquent one. Eloquent, indeed, it was—so much so, that all he had ever heard, all he had ever read, when compared with it dwindled into nothing, and vanished like vapour before the sun. Having paid this debt of justice to his honourable friend, Mr. Fox again urged his argument against adjourning, unless some better reason was assigned than the mere lateness of the hour. If any gentleman thought he could answer the strong argument that had been that day delivered, or if gentlemen had any doubts upon their mind, let them state those doubts, or let them give the answer they meant to offer; but why adjourn without so doing, unless it was from a sense that what had been that day said was unanswerable, and from a wish to gain time, and by negociation and manœuvre accomplish that, which could not be done by fair argument. He said, he hoped to God, for the sake of the right honourable gentleman's character, and for the sake of what was still more important, the character of that House, the right honourable gentleman did not mean to vote against the question: if he did, he would doubtless support his vote by arguments, that, in the right honourable gentleman's mind at least, appeared likely to have some weight with the House: if so, why not deliver those arguments then, and oppose their impression, whatever it might be, to the impression which had been made by his honoura-

ble friend's speech? What could be the object of delay, but merely an opportunity of preventing the operation which the truth and eloquence of his honourable friend's speech would otherwise have in convicting the delinquent, and redeeming the injured character of the nation? With respect to the pretence of adjourning for the sake of deliberation, he could not admit its propriety. If gentlemen had not come with party prepossessions and personal partialities, they would not hesitate to vote when their minds were most alive to the cause of individual justice and national honour. The delay, he conceived, to be unexampled; for he never knew of any debate being adjourned, without some strong reason of necessity being given; but in the present instance nothing of this nature had been stated as an excuse.

The motion of adjournment was then carried.

April 2.

The report from the committee appointed to consider of the several articles of charge against Mr. Hastings was brought up by their chairman, Mr. St. John; and upon the question that it be now read a first time, Mr. Pitt observed, that in a business of such consequence as that in which they were engaged, he felt every successive stage become more and more important, and could not therefore repress his anxiety to preserve that degree of formality and regularity in the proceeding, which should leave him and other members at full liberty to deliver their votes, without hesitation, singly and exclusively, on the merits of the grand decisive question of impeachment, and free from any objections that might be made to the form in which that question should come forward. He therefore wished to know how Mr. Burke intended to proceed. For his part, having in some of the articles gone only a certain length in his assent, and by no means admitted a degree of guilt equal to that imputed in the charges, he could not think himself justified in joining in a general vote of impeachment, which might seem to countenance the whole of each several charge, those parts which he thought really criminal, as well as those which were of an exculpatory nature. The method which it was most adviseable, in his opinion, to pursue, was to refer the charges to a committee, in order to select out of them the criminal matter, and frame it into articles of impeachment; and then, on those articles, when reported to the House, to move the question of impeachment. If, on the contrary, the mode adopted was, to move the impeachment immediately, he should find himself under a necessity of moving, on the report from the committee, which had already sat on the charges, several amendments, confining the effects of each charge to that degree of real guilt, which he thought appeared in it.

Mr. Fox observed, that when he had the pleasure of seeing those gentlemen whose principles so often militated against his own, seriously adopting the sentiments which he entertained upon a great and important question, no man was more willing to bend to their wishes as to the mode of best carrying those sentiments into effect. It was therefore with great concern that he felt it impossible for him to agree with the right honourable gentleman in the proposition which he had just stated: but he really could not do so without betraying, as he conceived, the great business in hand, and weakening even to the dangerous risk of losing it ultimately, the great question naturally consequent on all the investigations of the committee they had just come out of, namely, That Warren Hastings, esq. be impeached. That question was, he thought, the next and immediate step to be taken by the House, after agreeing (if they should agree) to the report then on the table, and they would in that case follow it up by sending word to the House of Lords, that the House of Commons had resolved to impeach Mr. Hastings, and declaring that they were preparing articles, and would present them with all convenient dispatch, reserving to themselves the constitutional right of supplying more articles, after they had gone through the whole, whether they should have occasion at all to exercise that right or not. Mr. Fox enlarged on the necessity of this mode of proceeding, comparing it with the other mode proposed by the chancellor of the exchequer, and contending that it was the true constitutional mode, and the best, of carrying the views of the great majority of the House into complete execution. If the House proceeded in the manner which he conceived to be the proper, and, indeed, the only proper mode of proceeding, they would, by coming immediately to the great question, afford those gentlemen who meant to urge the argument of a set-off, a full opportunity of putting their favourite reasoning to the test; they would give every gentleman an equal degree of indulgence, and the matter, as to the question of impeachment, would rest on its true merits, the sense of the majority, grounded on the votes of the committee, and then the House would decide upon the great question fairly; and, having once decided upon it, they would run no risk of losing it in any subsequent stage, by entertaining altered opinions under the influence of reasoning on the particular form and shape of different articles of the impeachment, or, what was still more to be dreaded, and guarded against in a proceeding of that kind, by the influence of improper interference, to which the other mode of proceeding was particularly obnoxious. That mode was also liable to other objections. If the House went into a com-

mittee in order to draw the articles of impeachment before they had resolved to impeach, they would set their committee an idle, and, possibly in the end, a fruitless task; for, having ultimately to look at the question in a new light, and to decide upon the impressions of all the criticisms and sentiments of different gentlemen, the great question would prove very much weakened, and would be decided upon under circumstances much more unfavourable to it than at present. Perhaps there might be precedents for the mode of proceeding recommended by the right honourable gentleman. Indeed, so many were on the journals, and those so various and contradictory, that there was scarcely any mode of proceeding, however absurd and however unconstitutional, for which a precedent might not be quoted; but he much doubted whether any precedent would bear out the proposition just made. He had examined a great variety, and the nearest which he could find was that of Lord Danby, but it did not exactly meet the present case. Mr. Fox recited at large the particulars of the case of Lord Danby's impeachment; and after stating them circumstantially, pointed out the different modes of proceeding which had prevailed afterwards, as well as those, in times more modern, mentioning the impeachments of Lord Bolingbroke, Lord Orford, &c. &c. and afterwards Lord Oxford and Sir Robert Walpole, coming at length to the case of Lord Macclesfield, where the whole had originated in a message from the crown, upon examining the papers laid on the table, by which the House had immediately resolved to impeach, and had sent a message to the Lords to that effect. After enlarging upon these particulars, Mr. Fox returned to his former argument, and observed, that the mode which he had taken the liberty to recommend, he was convinced was the shortest, the best, the most likely to secure the end, and that which he could not conceive any gentleman, who meant to act fairly and sincerely in this business, or any other of the same kind which might occur in future, and who did not mean some fallacy, or by some trick to abandon it, could object to. In saying this, he begged not to be understood as designing to insinuate that any such fallacy was intended in the present instance, much less that the right honourable gentleman was not himself as sincerely desirous of sending the matter to the House of Lords as he was. He had not the smallest doubt but that he was equally serious on the occasion; but he wished to guard against establishing a precedent which might by bad men be abused in future times. He could not, therefore, but express his surprise that the right honourable gentleman should wish to pursue a different mode, and the more especially as he saw no reason why the

amendments at which he hinted need be at all supposed an argument against the general question. Excepting only in the charge against contracts, had the right honourable gentleman made any distinction so strong as to prevent his generally voting with the resolution moved upon each of the charges carried. If, therefore, he had not objected, notwithstanding the various distinctions and differences which he had taken upon several of the charges, to vote that most of them contained matter of impeachment, why could he not consent to impeach, and in framing the specific articles, take the sense of the committee upon each of his wished-for amendments? Mr. Fox added, that if he appeared to deliver his sentiments with some emotion upon the present occasion, he could declare that it was a natural warmth rather arising from his consciousness of the importance of the business, and his sense of the deep degree in which the honour, the dignity, and the character of the House and of the nation, were involved, than from any spark of passion or intemperance of feeling. He had merely delivered his individual sentiments, independent of party or connection. They might possibly not be supported; but as he really thought he could not, without betraying the cause, countenance any other mode of proceeding, so he could not lend himself to its support; and if a question were put on the mode proposed by the right honourable gentleman, he should be obliged to vote against it.

The report was ordered to be taken into further consideration on the following day; when the resolutions of the committee were agreed to, and Mr. Burke moved that they should be referred to a committee to prepare articles of impeachment upon the same, and that the committee consist of the following persons: Mr. Burke, Mr. Fox, Mr. Sheridan, Sir James Erskine, Mr. Thomas Pelham, Mr. Windham, Mr. Francis, Mr. St. John, Mr. Anstruther, Mr. Adam, Mr. M. A. Taylor, Mr. Welbore Ellis, Mr. Frederick Montague, Sir Grey Cooper, Sir Gilbert Eliot, Mr. Dudley Long, Lord Maitland, Mr. North, General Burgoyne, and Mr. Grey.

Mr. Beaufoy's Motion for the Repeal of the Test and Corporation Acts.

March 28.

During this session a subject was introduced into the House of Commons, which became repeatedly the object of its consideration in succeeding sessions; this was a proposition for the

repeal of the corporation and test acts, as far as related to the protestant dissenters, who flattered themselves that their recent support of the minister of the crown would induce him to lend a favourable ear to their application. Delegates were appointed to arrange and conduct their plans, who did not directly petition parliament, but first published and dispersed the following paper, which they called "The Case of the Protestant Dissenters, with Reference to the Test and Corporation Acts:

"In the year 1672, the 25th of the reign of King Charles II. an act was passed, entitled, 'An act for preventing dangers which may happen from popish recusants:' by which it is enacted, 'That all and every person or persons, that shall be admitted, entered, placed, or taken into, any office or offices, civil or military, or shall receive any pay, salary, fee, or wages, by reason of any patent or grant of his majesty, or shall have command or place of trust from or under his majesty, his heirs or successors, or by his or their authority, or by authority derived from him or them, within this realm of England, dominion of Wales, or town of Berwick-upon-Tweed or in his majesty's navy, or in the several islands of Jersey and Guernsey, or that shall be admitted into any service or employment in his majesty's household or family,—shall receive the sacrament of the Lord's Supper, according to the usage of the church of England, within three months after his or their admittance in, or receiving their said authority and employment, in some public church, upon some Lord's day, commonly called Sunday, immediately after divine service.

"The circumstances of the time, when this bill passed, were very remarkable. Papists were indulged in their religion, and many of them were employed in the great offices of state. The king himself was suspected of popery, and the Duke of York, his presumptive heir, had openly declared himself of that religion. This bill was introduced in direct opposition to the court; the penal laws having been suspended, contrary to acts of parliament, by the royal proclamation, chiefly in favour of papists, at the very time when a war was begun to destroy the only protestant state by which England could expect to be supported in the defence of her religion and liberties. On these accounts, the minds of all zealous protestants were in the utmost fear and consternation; and, accordingly, the design of the act was, as the preamble declares, 'to quiet the minds of his majesty's good subjects, by preventing dangers which might happen from popish recusants.'

"The protestant dissenters apprehend, therefore, that this act, as the title sets forth, was made wholly against papists, and not to prevent any danger which could happen to the nation or church from the dissenters. Indeed, so far were the protestant nonconformists from being aimed at in this act, that, in their zeal to rescue the nation from the dangers which were at that time apprehended from popish recusants, they contributed to the passing of the bill; willingly subjecting themselves to the disabilities created by it rather than obstruct what was deemed so necessary to the common welfare. Alderman Love, a member of the House of Commons, and a known dissenter, publicly desired, that nothing with

relation to them might intervene to stop the security which the nation and protestant religion might derive from the test act, and declared that in this he was seconded by the greater part of the nonconformists. This conduct was so acceptable to parliament, that, in the very session in which the test act passed, and while that act was depending, a bill was brought into the House of Commons, entitled, 'A bill for the ease of protestant dissenters.' This bill, having passed through the different stages of that House, was carried up to the House of Lords, where likewise it passed, with some amendments. These amendments having given occasion to a conference between the two Houses, King Charles II., from an apprehension that the measure would prove injurious to the popish interest, on the 29th of March, 1673, adjourned the parliament to the 20th of October following. In the next session, an attempt was made, in the House of Commons, to discriminate the dissenters from the papists, with regard to their qualifications for public offices, by bringing in a bill for a general test, to distinguish protestants from papists; which bill, having been read a second time, and referred to a committee, was laid aside without being reported.

"The late reverend and learned Dr. Burnet, Bishop of Salisbury, in a speech in the House of Lords, in the year 1703, took particular notice of the conduct of the dissenters, with regard to the test-act; and justly concluded, that, as the act was obtained in some measure by their concurrence, it would be hard to turn it against them.

"'Though King William III., of glorious memory, had refused, when Prince of Orange, to give his approbation to the repeal of the test-act and other penal laws against papists, knowing that the measure was countenanced by King James II. with the sole view of introducing Roman catholics into public offices, and that it would have been at that time dangerous to the protestant religion and the liberties of the people; yet, when he was raised to the throne of these kingdoms, and no danger could be justly apprehended, he told his first parliament, in one of his speeches, 'that he hoped they would leave room for the admission of all protestants who were willing and able to serve him; and that such a conjunction in his service would tend to the better uniting them among themselves, and strengthening them against their common adversaries.' Accordingly, when the bill was brought in for abrogating the oaths of allegiance, &c. to King James II. a clause was ordered to be added for taking away the necessity of receiving the sacrament as a qualification for civil offices. This clause the House of Lords rejected, contrary to the sentiments of many noble peers, the stedfast friends of their country, and distinguished promoters of the revolution; who declared, in their protest, 'That a greater caution ought not to be required, from such as are admitted into offices, than from the members of the two Houses of parliament, who are not obliged to receive the sacrament to enable them to sit in either House.'

"The test-act is not the only statute by which the civil rights of the dissenters are abridged. In the year 1661, the 13th of

Charles II., the year after the Restoration, an act was passed, entitled, 'An act for the well-governing and regulating of corporations:' by which it is provided, 'That no person or persons, shall for ever hereafter be placed, elected, or chosen in, or to, any corporation-offices, that shall not have, within one year before such election or choice, taken the sacrament of the Lord's Supper according to the rites of the church of England.' This act, which was passed in a period of great heat and violence, was probably designed against some of the protestant dissenters: 'For,' as a noble lord * expresses himself, 'in those times, when a spirit of intolerance prevailed, and severe measures were pursued, the dissenters were reputed and treated as persons ill-affected and dangerous to government.' But both Houses of parliament in a short time entertained different sentiments of them; and, before the end of that reign, discovered an inclination to relieve them from the disabilities created both by the corporation and test-acts.

"On the 24th of December, in the year 1680, a bill was ordered into the House of Commons, for repealing the corporation-act. On the 6th of January following, this bill was read a second time, and referred to a committee. While this bill was depending in the House of Commons, a bill came down from the Lords, entitled, 'An act for distinguishing protestant dissenters from popish recusants.' It doth not appear that there was any division on either of these bills, but they were defeated by the sudden prorogation of the parliament on the 10th of January. The Commons, being apprized of the king's intention, had only time to pass some votes on the state of the nation, one of which is in these words; 'That it is the opinion of this House, that the prosecution of protestant dissenters, upon the penal laws, is, at this time, grievous to the subject, a weakening of the protestant interest, an encouragement to popery, and dangerous to the peace of the kingdom.'

"Such public testimonies, in parliament, in favour of the protestant dissenters, they cannot but consider as affording a full evidence of their zeal and concern for the protestant religion and the liberties of these kingdoms, and of their being hearty and sincere friends to the public peace, both in church and state. They therefore humbly hope for the repeal of the said acts for the following reasons:

1. "Every man, as it is now universally acknowledged, has an undoubted right to judge for himself in matters of religion; nor ought his exercise of this right to be branded with a mark of infamy.

2. "The holy sacrament of the Lord's supper, being a matter purely of a religious nature, and being appointed by our blessed Saviour only for the remembrance of his death, ought not to be applied to the secular ends of civil societies.

3. "As dissenters are universally acknowledged to be well-affected to his majesty and the established government, and are ready to take the oaths required by law, and to give the fullest proof of their loyalty, they think it hard that their scruple to re-

* See Lord Mansfield's speech in the House of Lords, February 4, 1767. New Parl. Hist. vol. xvi. p. 316.

ceive the sacrament after the manner of the church of England, or after the manner of any church, as a qualification for an office, should render them incapable of holding public employments, civil or military.

4. " The occasional receiving of the Lord's supper, as a qualification for a place, cannot, in the nature of things, imply, that those who thus receive it mean to declare their full and entire approbation of the whole constitution and frame of the established church; since men may be compelled by their necessities, or allured by secular advantages, to do what they would not do, were they left to their free choice. As, from these motives, persons may be induced to conform to the established church in this particular instance, though they do not approve of its forms and ceremonies in general; so, from the same motives, others may comply with the sacramental test who are not even christians, and who therefore cannot be supposed to wish well to christianity itself, or to any national establishment of it whatsoever. Hence it is apparent, that such a test can be no real or effectual security to the church of England. It is also apprehended, that, independently of any remarks upon the doctrine of papal dispensations, the sacramental test complained of may be received by many papists, because many of them hold the church of England to be no church, her ministers no ministers, and her sacraments no sacraments.

5. " The oaths of allegiance and supremacy, and the declaration against transubstantiation, have, without the sacramental test, been found effectual, for more than a century, to exclude papists from both Houses of parliament.

6. " The repeal of the test and corporation-acts, while it would be a relief to many of his majesty's faithful subjects, would lay no difficulty or hardship on any others of them. It would no way affect the established church. Religion, and the national church, were established before these acts were passed, and would continue to be established were they repealed. The doctrine, the discipline, and privileges of the church, would remain exactly the same as they are at present. Its constitution and its form of government are not secured by these acts; nor would they be injured by the total repeal of them. On the contrary, every serious clergyman would find, in such repeal, ease to his conscience, and safety from vexatious prosecutions; for the service of the church of England, in its notice respecting the celebration of the communion, forbids blasphemers of God, slanderers of his word, adulterers, &c. to come to the holy table; and yet the minister, as the law now stands, must admit all such persons to the sacrament when they demand it, as a qualification for an office, or subject himself to a prosecution.

7. " No other instance can be produced, among all the reformed churches, in which the sacrament is ever applied as a qualification for civil employments and advantages.

8. " The episcopalians in North Britain, who are the dissenters from the church established in that part of the united kingdom, are not liable to any incapacities in consequence of their not qualifying themselves by receiving the sacrament according to the usage of the church of Scotland; but are capable of all the ad-

vantages of the civil government by taking the oaths, &c. as appointed by law. Whence it follows, that it is not reasonable or just, that such of the members of the established church of North Britain as are resident in England, should be subject to the ungracious alternative, of acting inconsistently with their principles, or of incurring the penalty of disqualification for the service of their sovereign, in any office, civil or military.

9. "In the year 1779, the 19th of his present majesty, an act was passed, in Ireland, 'For the relief of his majesty's faithful subjects, the protestant dissenters of that kingdom;' whereby it is enacted, 'That all and every person and persons, being protestants, shall and may have, hold, and enjoy, any office or place, civil or military, and receive any pay, salary, fee, or wages, belonging to, or by reason of, such office or place, notwithstanding he shall not receive or have received the sacrament of the Lord's supper,—without incurring any penalties—for or in respect of his neglect of receiving the same.' The protestant dissenters of England, therefore, humbly hope, from the moderation and equity of the legislature, for the same just restitution of their civil rights, to which alone their application is confined.

"For these reasons the dissenters are induced to make an application to parliament for relief, humbly apprehending that their request will appear to be founded in justice, and that a compliance with it will redound to the honour of religion, will tend to the security and strength of the protestant interest, be conducive to the welfare of the nation, honourable to the king as the common father of his people, and no way injurious to any one subject in his majesty's dominions. Arguments, so weighty and cogent as those which have been represented, cannot, they trust, fail, in conjunction with the enlarged and liberal spirit of the times, to procure from the legislature the repeal of statutes, which can in no degree be considered as grounded on public necessity or public advantage."

On the 28th of March, Mr. Beaufoy opened the business to the House in a long and able speech, and concluded, "That this House will immediately resolve itself into a committee of the whole House, to consider of so much of the acts of the 13th and 25th of Charles the second, as requires persons, before they are admitted into any office or place in corporations, or having accepted any office, civil or military, or any place of trust under the crown, to receive the sacrament of the Lord's supper, according to the rites of the church of England." Mr. Beaufoy was answered by Lord North, who had lately had the misfortune of losing his eyesight, and came down upon this occasion, for the first time in the session. Mr. Pitt followed Lord North, and took the same side of the question.

Mr. Fox, in a long and able speech, supported the motion for a committee. He observed, that however he might of late have been charged with the odium of coalition, that odium was not imputable to him that night; yet, if he had heard only one part of the argument of the right honourable the

chancellor of the exchequer, unexplained by the other parts of his argument, he should have found himself in a coalition with him upon the grounds of that argument, namely, that it was right to oppose the repeal of a test, which shut out dissenters who would not allow that any establishment was necessary; but the right honourable gentleman had afterwards carried his arguments against all those who had applied indiscriminately. Mr. Fox then asserted, that the general conduct of the dissenters was praise-worthy, and that in all former times they had been actuated by principles of liberty not inconsistent with the well-being of the state. He then adverted to the argument of the right honourable the chancellor of the exchequer respecting the test, and endeavoured to shew, that religion was not a proper test for a political institution. With regard to the argument used by the right honourable gentleman to prove that those acts operated to exclude persons from corporations, though not from sitting in that House, he should contend that they had not that effect; that there were corporations which were entirely filled by dissenters, and that he knew of two such corporations. The mischiefs in Charles the second's reign arose not from the dissenters, but from the governing part of the church of England. He said, he was supported in this assertion by the authority of a great writer, Mr. Locke. The opinions of the heads of the church of England were not to be a rule for the political conduct of that House; for they were as decidedly against passing the bills which that House passed six or seven years ago in favour of the dissenters, as they were upon the present occasion. In deciding upon questions of that nature the electors of the representatives of the universities were likely to be warped more strongly than the electors of other representatives of that House: this was to be lamented; but he did not mean to cast any reflections upon the motives of their conduct. The church of Scotland had not found a test necessary there for the episcopalians. The right honourable gentleman had stated, that by this repeal the dissenters would not be obliged to contribute to the provision of the members of the church of England; it was absurd to argue that as a consequence; it did not follow: this motion went only to take off the seclusion of offices. Mr. Fox dwelt some time upon this point. He then asserted, that the argument that there must be one establishment was absurd; two establishments might exist in one government; they actually did exist, and he instanced the church of England and the kirk of Scotland. He confessed that the test-act did not operate directly as a stigma upon the dissenters; but at least it carried, and it was a fair argument to say, that the dissenters

would be glad to be excused paying to the maintenance of the church.

Mr. Fox then said, What are you doing to secure the establishment of this constitution? You are taking religion as religion for a test in politics. He then combated the propriety of such a measure. With respect to clergymen giving or refusing the sacrament, he observed, that if the clergyman of the parish refused, he subjected himself to an action; and supposing that he found means to get through the inconveniences of the litigation, what was the consequence? Why, that having refused the man the sacrament, he had disabled him from being qualified to hold the office; for the man could not take the sacrament from another clergyman, and thus there was vested in the minister of a parish a power superior to that of any ecclesiastical court.

Mr. Fox then spoke of the principles which had governed the dissenters in this kingdom, and said, they were persevering and active in their application for redress of their injuries in former times; and if they used the same perseverance now, they could not fail of success; that he would advise them to repeat their applications till the legislature gave them that specimen they desired. He had considered himself honoured in acting with them upon many occasions; and if he thought there was any time in which they had departed from those principles which were inconsistent with the constitution of this country, he should refer that period to a very recent date indeed: on recollection of what had been their conduct upon that occasion, the House would at least do him the justice to say, that in supporting them that day he was not influenced by any very obvious motives of private partiality or attachment. Yet he was determined to let them know, that though they could upon some occasions lose sight of their principles of liberty, he would not upon any occasion lose sight of his principles of toleration; he should therefore give his vote for the motion; but at the same time observe, that if there could be any modification of the penalties without repealing much of the act, it might be matter of instruction to the committee, and perhaps would prove more palatable to the House; yet, as the matter stood at present, the right honourable the chancellor of the exchequer by opposing the motion might be said, though disclaiming persecution in words, to admit the whole extent of it in principle.

The House divided on Mr. Beaufoy's motion:

	Tellers.			*Tellers.*	
YEAS	Mr. Beaufoy Mr. Plumer	98.	NOES	Sir W. Dolben Mr. Young	176.

So it passed in the negative.

Mr. Fox's Motion for the Repeal of the Shop Tax.

April 24.

THE tax imposed upon retail shopkeepers in the year 1785, was strongly opposed at the time by the inhabitants of London and Westminster, as partial and unjust in its principle, and peculiarly oppressive in its operation upon those two cities. The following year their members were instructed to move for its repeal; and though the motion was rejected by a great majority, they continued, with unremitted perseverance, to take the most active and vigorous measures for securing success upon some future occasion. Meetings were held, associations formed, committees appointed, and a correspondence carried on with all the considerable towns and corporations of the kingdom; many of which, being proportionably sufferers, readily joined the capital in another application to parliament for relief. The business was this year committed to Mr. Fox. Accordingly, this day in pursuance of the notice he had given previous to the recess,

Mr. Fox rose, in order to make his motion for the repeal of the shop tax. He began a most ingenious and striking argument against the tax, by stating, that he had never been forward in opposing taxes, because he thought it the duty in general of members of parliament to support government in the arduous and invidious measures of finance; but at the same time that he entertained the opinion, he thought it equally impolitic to adhere to it in the extreme degree, and on no occasion whatever, even though a tax should appear, after experiment and fair trial, partial and oppressive, to consent to its repeal. Under this impression it was, and upon a full conviction that the shop tax was a personal tax, unjustly levied from a particular description of men, that he should move for its repeal. The shop tax he had ever heard stated by those who defended it, to be a tax not upon the shopkeeper, but the consumer of goods sold by the shopkeeper. That he had ever peremptorily denied, and experience had proved beyond all possibility of doubt, that he was right in the denial.

Mr. Fox proceeded to urge all the arguments which he had formerly brought forward, to prove that the tax was not in fact, what it was called, but an additional tax upon housekeepers whose houses had shops annexed to them. He manifested the particularly unjust way in which the tax pressed upon the metropolis and its environs, by stating, that the whole sum assessed for the shop tax amounted to 59,000*l.*

seventeen of which were assessed for the city of Westminster alone, twelve for the city of London, and twelve more for the villages adjacent; so that the county of Middlesex paid forty-one parts out of the fifty-nine of the produce of the tax. Mr. Fox reasoned upon this statement, and declared that he could scarcely have imagined, considering the superior opulence of the city of London, compared to the city of Westminster, that the latter should have paid seventeen parts of the produce of the tax, while the former only paid twelve parts; nor could he, at first, believe that the villages in Middlesex paid another twelve, till upon inquiry he found, that under the head of villages were comprehended Marybone, High Holborn, Wapping, the out-parishes, and those non-descript districts which, though accurately speaking, they were not parts of the three cities, if he might so denominate London, Westminster, and their environs, were generally considered as parts of the metropolis. He compared this with the proportion paid by the rest of the kingdom, and said, that though he could not be of opinion with those who thought that the representation of London, Westminster, and Middlesex should be exactly in the proportion of their payment of the taxes, yet that forty-one parts out of fifty-nine was so monstrous a disproportion, that every man who barely heard it stated, must be startled at it, and must feel conviction that the tax was most partial and unjust in its operation and pressure.

Mr. Fox declared, that upon an examination of the assessment throughout the kingdom it would be discovered, that an hundred pounds was all that was assessed for some whole counties, and not above fifty for others. The partiality of the tax, therefore, was so palpable, that he could not see how the right honourable the chancellor of the exchequer could resist the application for its repeal with any colour of reason or of candour. He contended, that the favourite argument of the competition of shopkeepers, which had formerly been resorted to as a proof, that they would lay the tax on their customers, was of itself a proof that the consumer did not pay it, and consequently a confirmation of the argument, that it fell totally on the shopkeeper. He instanced, in a variety of ways, the hardship of thus singling out one description of persons to pay a tax that the rest of the subjects were exempted from, and forcibly argued the injustice of that House insisting upon continuing a tax, to which they did not contribute one single shilling. Unless the bankers were selected, members of parliament could not be said to pay any thing towards it; and if bankers were assessed, what became of the argument of the consumers paying the tax? For surely it would not be pretended that bankers could lay any part of the tax on their

customers. He shewed, that so far from shops being an advantage to the houses to which they belonged, in many instances they produced an opposite effect. He mentioned those houses with shops, which on account of their situation were let at high rents, and the shopkeepers of which hoped to assist themselves by letting lodgings. Every gentleman must be aware, that lodgings in houses without shops were deemed preferable to lodgings in houses with shops. In that particular, therefore, and in a variety of others, houses with shops were less proper to be loaded with an additional house tax than other houses.

He contended that it was ridiculous to persist in saying that the consumer paid the tax, when the shopkeepers knew and declared, and were ready to declare on oath, that they paid it themselves. If the shopkeepers came again to the bar, and said, "we pay the tax, and as it affects us solely, we beg to be relieved from it;" would that House say, "no, you do not pay the tax, we pay it, though you do not know it, and we choose to continue to pay it?" He dwelt on the absurdity of such a mode of reasoning, and said, it would be much better to give up the tax, and adopt some other less objectionable, and less objected against. Speaking of the assessments, he said they were proofs of the strenuous means resorted to, in order to force the tax to become efficient, and were in many instances capricious and extravagant. Mr. Fox instanced Mr. Wells, the ship-builder's yard, and that of a wholesale block-maker for shipping, which were assessed as retail shops, because some of the workmen occasionally sold a few of the chips; and also Greenland dock, because part of the sediment and skum was sometimes disposed of.

After urging a great variety of arguments, Mr. Fox said, that though he knew the house tax to be a very bad mode of taxation, yet if it was thought right to lay an additional tax on houses, he would recommend a general additional tax, as a more equitable measure at least than the shop tax. He concluded a very able and animated speech, with moving for leave to bring in a bill to repeal the act imposing certain duties on shops.

The motion was seconded by Mr. Lambton, a young member, who had just taken his seat for the city of Durham, and who declared that he rejoiced in the opportunity of opening his lips, for the first time within those walls, with a remonstrance against a partial, oppressive, and unjust measure. Mr. Fox was also supported by Sir Gegory Page Turner, Sir Benjamin Hammet, Mr. Mainwaring, Aldermen Sawbridge, Newnham, Watson, and Le Mesurier, Sir Watkin Lewes, and Mr. Henry Thornton. The motion was strenuously opposed by Mr. Pitt. Sir James Johnstone

said, he had been a voter for the shop tax, on account of the legal murder of the hawkers and pedlars which it had occasioned.

Mr. Fox rose, not, he said, to speak upon a question to which he had already spoken so fully, but merely to notice what had fallen from the honourable baronet, relative to what the honourable baronet had called the "legal murder of the hawkers and pedlars." That expression, Mr. Fox said, had reminded him of a matter which he meant to have taken notice of in his first speech, but it had accidentally escaped him. The idea of abolishing hawkers and pedlars had originally been held out as the boon or douceur to the shopkeepers, to induce them to submit the more readily to the payment of the shop-tax, but, as gentlemen might recollect, the idea was afterwards departed from and given up, and only a slight regulation respecting hawkers and pedlars had taken place. Had they, however, been abolished entirely, the circumstance could not have proved beneficial to the shopkeepers of London and Westminster; it was therefore extremely unfair to urge the operation of the measure taken respecting hawkers and pedlars as an argument against the shopkeepers.

Upon a division there appeared,

	Tellers.			*Tellers.*	
YEAS	Mr. Ald. Sawbridge Mr. Ald. Newnham	147.	NOES	Mr. Rouse Mr. Rose	183.

So it passed in the negative.

THE PRINCE OF WALES'S DEBTS.

April 30.

ON the 20th of April, a subject was brought forward in the House of Commons by Mr. Alderman Newnham, which had for some time before strongly engaged the attention and feelings of the public; namely, the embarrassed state of the finances of the Prince of Wales. The establishment of his royal highness's household took place upon his coming of age, in the year 1783, during the administration of the Duke of Portland. It is well known that a great difference of opinion subsisted at that time between the great personage, with whom the final settlement of the affair rested, and the persons, whose duty it was to give him their advice upon the subject, respecting the sum to be allowed for that purpose. Upon

a full consideration of what was thought becoming the credit of the nation and the exalted rank of the heir apparent to the throne, the great increase in the value of every article of expenditure, and the œconomy of such a liberal provision as might totally supersede the necessity of incurring debt, the ministers of that day are said to have proposed, that an annual income should be settled upon him by parliament of 100,000l. This proposition is said to have been not only entirely disapproved of by the king, but rejected with expressions of such marked resentment, as to make the immediate resignation of those ministers more than probable. In this emergency the Prince of Wales, who had early manifested a favourable opinion of that party, interposed, and signified his desire, that the whole business should be left to the king. He declared his readiness to accept of whatever provision the king in his wisdom and goodness might think most fit; and, at the same time, expressed his earnest wishes, that no misunderstanding should arise between the king and his then ministers, on account of any arrangement, in which his personal interest only was concerned. In consequence of this interference the affair appears to have been accommodated, and an allowance of 50,000l. a year, payable out of the civil list revenue, was settled upon his royal highness.

A very few years experience made it but too manifest, that this provision was inadequate to the purpose for which it was designed. In 1786 the prince was found to have contracted a debt to the amount of about 100,000l. exclusive of 50,000l. and upwards expended on Carlton-house. He was no sooner acquainted with the embarrassed state of his affairs, and the great distress, in which it necessarily involved a considerable number of his creditors, than he came to a resolution of taking some effectual measures for their relief. His first application was to the king his father, upon whose affection alone he wished to rely, and to whose judgment he declared his readiness to submit his past and to conform his future conduct. By his majesty's directions, a full account of the prince's affairs were laid before him; but (whether it was from any dissatisfaction with those accounts, or with any other parts of the prince's conduct, or from some other cause, has not transpired) a direct refusal to afford him any relief was conveyed to his royal highness through one of his principal officers of state. In consequence of this refusal, the Prince of Wales appears to have conceived himself bound in honour and justice to have recourse to the only expedient that was now left him. His determination was prompt and manly. The day after he received the message from the king, he dismissed the officers of his court, and reduced the establishment of his household to that of a private gentleman; he ordered his horses to be sold, the works at Carlton-house to be stopped, and such parts, as were not necessary for his personal use, to be shut up. From these savings an annual sum of 40,000l. was set apart, and vested in the hands of trustees, for the payment of his debts.

It was in these circumstances of private distress and public spirit, that the expedient was suggested to his royal highness by several respectable members of the House of Commons, of appealing

to the justice and generosity of the nation in parliament. To this measure the prince appears to have assented, not more from a natural wish to free himself from his pecuniary embarrassments, than from a desire to do away any bad impression, that the misfortune of having incurred the royal displeasure, and the consequent refusal of affording him any relief, might have left upon the minds of the public. Accordingly, on the day already mentioned, Mr. Alderman Newnham demanded, in his place, of the chancellor of the exchequer, whether it was the intention of his majesty's ministers to bring forward any proposition for rescuing the Prince of Wales from his present embarrassed and distressed situation? For though his conduct, under the difficulties with which he laboured, reflected the highest honour upon his character, yet he thought it would bring indelible disgrace upon the nation, if he were suffered to remain any longer in his present reduced circumstances. To this question Mr. Pitt replied, that it was not his duty to bring forward a subject of the nature that had been mentioned, except by the command of his majesty. It was not necessary therefore that he should say more, in answer to the question put to him, than that he had not been honoured with such a command. Upon this Mr. Newnham gave notice of his intention to bring the subject regularly by a motion before the House on the 4th day of May.

In the mean time the friends of the Prince of Wales were indefatigable in their endeavours to procure the support of the independent members of parliament to the proposed motion; and at several meetings, which were held for that purpose, their numbers were so considerable as to give cause of serious alarm to the minister. On the 24th of April, Mr. Pitt, after requesting that Mr. Newnham would inform the House more particularly of the nature of the motion he intended to make, adverted to the extreme delicacy of the subject; and declared, that the knowledge he possessed of many circumstances relating to it, made him extremely anxious to persuade the House, if possible, to prevent the discussion of it. Should, however, the honourable member persist in his determination to bring it forward, it would be absolutely necessary to lay those circumstances before the public; and however distressing it might prove to him as an individual, from the profound respect he had for every part of the royal family, he should discharge his duty to the public, and enter fully into the subject. At the same time Mr. Rolle, an adherent of the minister, who distinguished himself greatly by his zeal upon this occasion, declared, that the question involved matter, by which the constitution, both in church and state, might be essentially affected; and that if the friends of the Prince of Wales persisted in their attempt, it would be necessary to enquire into those circumstances also. What the circumstances so solemnly adverted to by Mr. Pitt in this conversation were, the House was left, for the present, to conjecture. The menace thrown out by Mr. Rolle was well known to allude to the connection between the prince and Mrs. Fitzherbert, a lady of a very respectable Roman catholic family, to whom he had for some time manifested a strong attachment. For, notwithstanding the possibility of a marriage between those two parties was ef-

fectually guarded against by the royal marriage act, great pains had been taken, and not entirely without success, to mislead the ignorant, and to inflame the minds of the vulgar upon that subject.

On the 27th of the same month Mr. Newnham, in compliance with the request that had been made, signified to the House, that the motion he intended to make would be to the following effect: "That an humble address be presented to his majesty, praying him to take into his royal consideration the present embarrassed state of the affairs of the Prince of Wales, and to grant him such relief as he in his royal wisdom should think fit, and that the House would make good the same." Several members on both sides of the House having risen to deprecate the further discussion of this business, and to express their earnest wishes, that it might be accommodated in some other manner, Mr. Sheridan got up to declare, that the insinuations and menaces, which had been thrown out upon a former occasion, made it impossible for the prince to recede with honour. He said he had the highest authority to declare, that his royal highness had no other wish, than that every circumstance in the whole series of his conduct should be most minutely and accurately inquired into; that no part of his conduct, circumstances, or situation, should be treated with ambiguity, concealment, or affected tenderness, but that whatever related to him should be discussed openly, and with fair, manly, and direct examination; and that he was ready, as a peer of Great Britain, to give in another place the most direct answers to any questions that might be put to him. Mr. Rolle observed, in reply, that he had acted and should act as it became an independent country gentleman to do, when the dearest interests of the nation were at stake, from the conviction of his own mind; and that if the motion proposed was persisted in, he should state without reserve his sentiments upon the subject he had alluded to, according as the matter struck him. Mr. Pitt declared, that he had been greatly misunderstood, if it was conceived that he meant to throw out any insinuations injurious to the character of the Prince of Wales. The particulars, to which he alluded, and which he might find it necessary to state fully to the House, related only to his pecuniary affairs, and to a correspondence that had taken place on that subject, and which he thought would satisfy the House of the impropriety of complying with the proposed motion.

On the 30th, Mr. Newnham rose again to make a few observations upon what had passed on the Friday preceding. He remarked, that much had been said of the tenderness of the ground upon which he trod, and of the dangerous consequences that might arise from his perseverance. He declared himself totally ignorant of the grounds of those apprehensions, with which others were so unaccountably filled. If there was danger in the measure, let those who gave occasion to it tremble at the consequences. The prince saw none: and it was by his express desire that he now gave notice he should pursue his design. Highly honoured, as he conceived himself to be, by the prince's confidence upon this occasion, he was not to be intimidated; and he could assure the House, that neither was his royal highness to be deterred from his purpose by

the base and false rumours, which were spread abroad concerning him.

Mr. Fox observed, that not having heard that a subject of so much delicacy and importance was likely to be at all alluded to on Friday last, he had not come down to the House on that day. On a former occasion, when the worthy alderman had given notice of his intention to proceed by moving an address, he had heard the right honourable the chancellor of the exchequer throw out certain hints, which appeared to his mind extremely like a menace, and that of a very extraordinary nature; but those hints had, he understood, on Friday last, been much narrowed by explanation, and confined to certain correspondence and letters which had passed upon the subject without doors. On Friday he had learned that an honourable friend of his had answered what had been said by an honourable gentleman over the way, and had declared, that he did not speak lightly, or without authority, when he asserted, that his royal highness did not wish to shrink from any inquiry which it might be thought necessary to institute. In like manner, Mr. Fox said, he desired to be understood as not speaking lightly, but as speaking from the immediate authority of his royal highness the Prince of Wales, when he assured the House, that there was no part of his royal highness's conduct that he was either afraid or unwilling to have investigated in the most minute manner. With regard to the private correspondence alluded to, he wished to have it laid before the House, because it would prove that the conduct of his royal highness had been in the highest degree amiable; and would present an uniform and a perfect picture of duty and obedience; as much so as ever, in any instance, had been shewn from a son to his father, or from a subject to his sovereign.

With regard to the debt, which was the cause of his embarrassment, his royal highness, if the House should deem it necessary, was willing to give an account in writing of every part of it, — not of every single sum, or even of every thousand pound, for such an account the good sense of the House would see to be improper, if not impossible, — but a general and fair account, and if any part of it was doubted, from a suspicion that this or that article of the account comprehended any sum or sums of money indirectly applied, his royal highness would give a clear explanation of the particulars, not to the House at large indeed, but to his majesty, or to his majesty's ministers. He had not the smallest objection to afford the House every possible satisfaction, and there was not a circumstance of his royal highness's life which he was ashamed to have known.

With respect to the allusion to something full of "danger to the church and state," made by the honourable gentleman, one of the members for the county of Devon, till that gentleman thought proper to explain himself, it was impossible to say with any certainty to what that allusion referred, but he supposed it must be meant in reference to that miserable calumny, that low malicious falsehood, which had been propagated without doors, and made the wanton sport of the vulgar. In that House, where it was known how frequent and common the falsehoods of the times were, he hoped a tale only fit to impose on the lowest order of persons in the streets, would not have gained the smallest portion of credit; but when it appeared that an invention so monstrous, a report of a fact which had not the smallest degree of foundation, a report of a fact actually impossible to have happened, had been circulated with so much industry as to have made an impression on the minds of the members of that House, it proved at once the uncommon pains taken by the enemies of his royal highness to propagate the grossest and most malignant falsehoods, with a view to depreciate his character and injure him in the opinion of his country. Mr. Fox added, that when he considered that his royal highness was the first subject in the kingdom, and the immediate heir to the throne, he was at a loss to imagine what species of party it was that could have fabricated so base and scandalous a calumny. Had there existed in the kingdom such a faction as an Anti-Brunswick faction, to that faction he should have certainly imputed the invention of so malicious a falsehood; for he knew not what other description of men could feel an interest in first forming and then circulating, with more than ordinary assiduity, a tale in every particular so unfounded, and for which there was not the shadow of any thing like reality. This being the fact, and as the occasion had made it necessary for him to declare as much, he hoped that it would have this good effect upon the House and upon the country, that it would teach both the one and the other to distrust the reports circulated to the prejudice of the prince, and lessen any opinions that they might, in consequence, take up injurious to the character of his royal highness, who might be said to be a person, in whose fair fame that House and the country were deeply interested. The whole of the debt the prince was ready to submit to the investigation of the House; and he was equally ready to submit the other circumstance to which he had alluded, to their consideration, provided the consideration of a house of parliament could, consistently with propriety and decency, be applied to such a subject. Nay, his

royal highness had authorized him to declare, that, as a peer of parliament, he was ready in the other House to submit to any the most pointed questions which could be put to him respecting it, or to afford his majesty, or his majesty's ministers, the fullest assurances of the utter falsehood of the fact in question, which never had, and which common sense must see, never could have happened.

Mr. Fox said, he had thought it incumbent on him to say thus much in justification of his royal highness. He had only to add, that his royal highness certainly wished to have his situation taken into consideration; and that when it came under discussion he had no desire to be regarded as wishing to shrink from any inquiry of any sort whatever. With regard to the alarming consequences talked of as likely to be the effect of such a discussion taking place, he saw no reason to dread any such consequences. Painful and delicate the subject undoubtedly was; but he must all along consider, that however painful it might prove, and however disagreeable the consequences might be, they were ascribeable solely to those who had it in their power to supersede the necessity of his royal highness's application to parliament to relieve him from a situation embarrassing to himself and disgraceful to the country. In conclusion, Mr. Fox declared, that he thought the cause of the prince the cause of every man who knew the true use of monarchy, and looked upon the family of the sovereign as the property of the people, and as those in whom their dearest and most essential interests were so involved, as to make the happiness of the one the security of the other.

Mr. Rolle replied, that he was not singular in his fears for the church; other gentleman had been equally alarmed, and he should be happy to find that their apprehensions were groundless. The right honourable member had said, that the fact alluded to was impossible to have happened. They all knew, indeed, that there were certain laws and acts of parliament which forbade it, and made it null and void; but still it might have taken place, though not under the formal sanction of law; and upon that point he wished to be satisfied. Mr. Fox observed, that though what he had said before was, he thought, sufficient to satisfy every candid and liberal mind, he was willing, if possible, to satisfy the most perverse. When he denied the calumny in question, he meant to deny it not merely with regard to the effect of certain existing laws, but to deny it *in toto*, in point of fact as well as law. The fact not only never could have happened legally, but never did happen in any way whatsoever, and had from the beginning been a base and malicious falsehood. Mr. Rose rose again, and desired to know, whether what Mr. Fox had last said, was to be understood as spoken from direct authority. Mr. Fox replied, that he had direct authority. It appears to have been expected, that upon this declaration Mr.

Rolle would have expressed his full satisfaction; and being called upon by a member so to do, he said that nothing should induce him to act otherwise than to his own judgment should seem proper. An answer had certainly been given to his question, and the House would judge for themselves of that answer. This conduct occasioned some warm reflections from Mr. Sheridan and Mr. Grey, who said, that the honourable member, after having put a pointed question for the solution of doubts existing in his own mind, and having received an immediate answer, was bound in honour and fairness either to declare that he was satisfied, or to take some means of putting the matter into such a state of inquiry as should satisfy him. To remain silent, or to declare that the House might judge for itself, was neither manly nor candid: it tended to aggravate, in a high degree, the malicious falsehood that had been propagated, by admitting a supposition, that the prince might authorize a false denial of the fact. Mr. Pitt defended Mr. Rolle with great warmth, and declared, that what had been said by the members who preceded him was the most direct attack upon the freedom of debate and liberty of speech in that House, that he had ever heard since he sat in parliament. Mr. Rolle stated shortly the part he had taken, declared that he had been induced so to do by his affection for the prince; that he had not said he was dissatisfied; and that he left the whole to the judgment of the House.

The favourable impression which this debate, the open and manly conduct of the prince, and the harshness with which he had been treated in his most private and personal concerns, left upon the minds of men both within and without the doors of parliament, appears to have given the minister a serious apprehension, that upon the question itself he might be left in a minority; for the next day overtures were made to his royal highness to bring the business to a private accommodation. On Thursday the 3d of May, Mr. Pitt had an audience at Carlton-house, and the same night the prince was informed by his majesty's commands, in general terms, that if the motion intended to be made the next day in the House of Commons should be withdrawn, every thing might be settled to his royal highness's satisfaction. Accordingly on the 4th, Mr. Newnham being in his place in the House, in which upwards of 400 members were assembled, rose and said, he felt the highest satisfaction in being able to inform the House that his intended motion was no longer necessary. Several members joined in expressing in the warmest terms the great satisfaction this information gave them.

On the 21st of May, a message from the king was delivered to parliament, stating, that his majesty with great concern acquainted them, that the prince had incurred a very large debt, which, if left to be discharged out of his annual income, would render it impossible for him to support an establishment that would be suited to his rank and station. His majesty was induced to the present application by his paternal affection to the Prince of Wales; he could not, however, desire the assistance of parliament, but on a well-grounded conviction that the prince would avoid contracting any debts in future. With a view to this object, the king had

directed a sum of 10,000l. to be paid out of the civil list, in addition to his former allowance; he had the satisfaction to observe, that the prince had given the fullest assurance of his determination to confine his future expences within his income, and had settled a plan, and fixed an order in his œconomy, which, it was trusted, would effectually secure the due execution of his intentions. He farther recommended to the commons to direct, that the works of Carlton-house should be properly finished. In answer to this message, 161,000l. were voted for the payment of the prince's debts, and 20,000l. for the completion of Carlton-house.

ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.

November 27.

THIS day the King opened the session with the following speech to both Houses:

"My lords, and gentlemen; At the close of the last session, I informed you of the concern with which I observed the disputes unhappily subsisting in the republic of the United Provinces.—Their situation soon afterwards became more critical and alarming, and the danger which threatened their constitution and independence, seemed likely, in its consequence, to affect the security and interests of my dominions.—No endeavours were wanting on my part to contribute by my good offices to the restoration of tranquillity, and the maintenance of the lawful government; and I also thought it necessary to explain my intention of counteracting all forcible interference on the part of France in the internal affairs of the republic. Under these circumstances, the King of Prussia having taken measures to enforce his demand of satisfaction for the insult offered to the Princess of Orange, the party which had usurped the government of Holland applied to the Most Christian King for assistance, who notified to me his intention of granting their request.—In conformity to the principles which I had before explained, I did not hesitate, on receiving this notification, to declare, that I could not remain a quiet spectator of the armed interference of France, and I gave immediate orders for augmenting my forces both by sea and land.—In the course of these transactions, I also thought proper to conclude a treaty with the Landgrave of Hesse Cassel, by which I secured the assistance of a considerable body of troops, in case my service should require it.—In the mean time, the rapid success of the Prussian troops under the conduct of the Duke of Brunswick, while it was the means of obtaining the reparation demanded by the King of Prussia, enabled the provinces to deliver themselves from the oppression under which they laboured, and to re-establish their lawful

government.—All subjects of contest being thus removed, an amicable explanation took place between me and the Most Christian King, and declarations have been exchanged by our respective ministers, by which we have agreed mutually to disarm, and to place our naval establishments on the same footing as in the beginning of the present year.—It gives me the greatest satisfaction that the important events, which I have communicated to you, have taken place without disturbing my subjects in the enjoyment of the blessings of peace; and I have great pleasure in acquainting you, that I continue to receive from all foreign powers the fullest assurances of their pacific and friendly disposition towards this country. I must, at the same time, regret that the tranquillity of one part of Europe is unhappily interrupted by the war which has broken out between Russia and the Porte.—A convention has been agreed upon between me and the Most Christian King, explanatory of the thirteenth article of the last treaty of peace, and calculated to prevent jealousies and disputes between our respective subjects in the East Indies. I have ordered copies of the several treaties to which I have referred, and of the declaration and counter-declaration exchanged at Versailles, to be laid before you.

"Gentlemen of the House of Commons; I have ordered the estimates for the ensuing year to be laid before you, together with an account of the extraordinary expences which the situation of affairs rendered necessary.—I have the fullest reliance in your zeal and public spirit, that you will make due provision for the several branches of the public service. I am always desirous of confining those expences within the narrowest limits which a prudent regard to the public safety will permit; but I must at the same time recommend to your particular attention to consider of the proper means for maintaining my distant possessions in an adequate posture of defence.

"My lords and gentlemen; the flourishing state of the commerce and revenues of this country cannot fail to encourage you in the pursuit of such measures as may confirm and improve so favourable a situation.—These circumstances must also render you peculiarly anxious for the continuation of public tranquillity, which it is my constant object to preserve.—I am at the same time persuaded you will agree with me in thinking that nothing can more effectually tend to secure so invaluable a blessing, than the zeal and unanimity which were shewn by all ranks of my subjects on the late occasion, and which manifest their readiness to exert themselves whenever the honour of my crown and the interests of my dominions may require it."

An address in the usual form was moved in the House of Commons, by the honourable Mr. Dudley Ryder *, and seconded by Mr. Brooke, member for Newton, Lancashire. The substance of the address met with the general concurrence of the House; but a short debate took place upon a few topics arising out of it. Lord Fielding, after expressing the strongest approbation of what had

* The present Earl of Harrowby.

been done by ministers upon the late occasion, suggested a doubt, which had arisen in his own mind, whether or no they had fully availed themselves of the favourable opportunity that had presented itself, and whether they might not, and ought not, to have gone farther, and done more for the future security of this country against the ambition of France. The object, he said, which he had particularly in his view, was the demolition of the stupendous works that were projected and carrying on at Cherburgh. He stated his opinion of their vast importance, not only as rendering our rival more formidable in herself, but as being evidently in their design hostile to this kingdom. He conceived, that as the manifest superiority of this country had put it within our power to enforce, so the great expence, which we had been obliged to incur, would justify the demand of some compensation from the French court. The object he alluded to had been shamefully overlooked, or corruptly relinquished, in the last treaty of peace; and he therefore desired to enter his protest against any construction of his vote, that should pledge him to approve of the minister's conduct, if it hereafter appeared that he had again neglected this important object.

Mr. Fox rose and observed, that he should contradict every political principle and sentiment that he had acted upon through life, were he not to give his most hearty concurrence to the sum and substance of the speech from the throne, and the address that had been moved upon it, because he took the substance of both to be a public avowal from the throne, and as public an acknowledgment on the part of that House, that those systems of politics, which had on former occasions been called romantic, were serious systems, and such as it was the true interest of this country to be governed by; namely, systems established on that sound and solid political maxim, that Great Britain ought to look to the situation of affairs upon the Continent, and to take such measures upon every change of circumstances abroad, as should tend best to preserve the balance of power in Europe. Upon that maxim he had founded all his political conduct, and convinced as he was of its justness, he should continue to adhere to it, and consequently could not withhold his ready and sincere assent to an address admitting the maxim completely.

It was now, he observed, confessed by government, that it was necessary to come to the lower orders of the people, those who were labouring under the heaviest burdens, those who paid for their candles, their windows, and all the various necessaries of life, and say, "severely taxed as we know you are, you must nevertheless contribute something towards the expence of keeping political power upon a balance in Europe." This was open and manly; it was dictated by sound policy. Let, therefore, the expence of effecting and enforcing the late mea-

sures in the republic of Holland have been what it might, he should think the money well laid out, and would give any assistance in his power to the voting it cheerfully and freely. There was, however, in the address, a loose word, that might possibly have been suffered to find its way into it through accident, and which he could have wished had not been there. Some passages of it also referred to points that might require a good deal of discussion; but, as the address was wisely put together, and those matters that were most likely to create debate, mentioned with a reserve for consideration on a future day, when that House should have the documents before them necessary to give them that information, without which they could not in a parliamentary way proceed to investigate their policy and wisdom, it was not necessary for him to discuss them at that moment. He took the beginning of the address, containing an avowal, that the situation of affairs in the republic of the United Provinces seemed likely, in its consequences, to affect the security and interest of the British dominions; and that his majesty had acted with success upon that circumstance, to be the essential substance of the address, and to that he gave his full assent. One observation he had to make upon the address in that particular, and that was this most obvious one: the address expressly stated, that the king of France had notified his intention of granting the request of the party who had usurped the government of Holland: he did not suppose the address contained any thing but truth, because no minister would presume to put any thing but truth into the mouth of his majesty; but although the address contained this assertion, and directly stated that the king of France had notified his intention of assisting the party who had usurped this government, yet, if the counter-declaration was looked into, it would be there found, that it was roundly asserted, that the court of France never had any such intention. He did not, however, wish to rest upon a French declaration, or upon any French professions, whether perfectly made or clearly expressed or not. The fact undoubtedly was as his majesty's speech stated it to be, and there was no doubt, but that France had assured the party who had seized upon the government of the United Provinces, of her determination to assist them.

Mr. Fox reminded the House, how repeatedly he had urged the perfidy and treacherousness of France in the exertion of her influence in foreign states, and that when the commercial treaty was under discussion last session, and he, among others, had expressed his dislike of that treaty, and his conviction, that it would not prove the bond of amity, and secure to us the continuance of the blessings of peace, how much was said of the pacific intentions of France, and of the sincerity of her

professions of regard and friendship towards this country, and yet they were now told in that House from the highest authority, that this new friend and commercial ally had interfered in the affairs of the United Provinces, and promised to support that party, who were termed, in the very same speech, the usurpers of the lawful government, and, at a time too, when those who held the legal government were in alliance and connected with France. The charges of treachery and perfidiousness, which he, and various others, had on different occasions urged against France, had at the same time been sometimes thought too strong; but, strong as they might be, they were weak, indeed, compared with the charge contained in the speech from the throne, for there his majesty had declared explicitly, that France had signified her intention of assisting the usurpers of the legal government of the United Provinces, when those who held that legal government were in amity and alliance with her.

Mr. Fox laid great stress on this circumstance; and then proceeded to observe, that he did not think it at all necessary to enquire into the legality of the constitution of a foreign state; in the speech, the "lawful government" was the term made use of. He had ever thought it his duty, and the duty of every member of parliament, to consider himself the representative of the people of Great Britain, and to attend to the interests of Britons, let them be where, in what country, and at what distance they might. The preservation of our own constitution, for the sake of the preservation of our liberties, and the prosperity of Great Britain and all her dependencies, were objects immediately worthy their attention and proper for their consideration; but, he was far from thinking it was either wise or becoming for that House to apply itself to an inquiry into the legality of the constitution or form of government of a foreign state. It was sufficient for him and for the House, to consider which party in the republic of the United Provinces was most inclined to be friendly to Great Britain, and to renew a natural alliance with us, in preference to an unnatural alliance with France. His opinion, therefore, was, that the word "lawful" applied to the word "government" in the address was redundant.

Mr. Fox took notice that Lord Fielding had declared he was not ripe to say, that ministers ought not to have gone farther, and pushed the opportunity beyond the mere pretension of the forcible interference of France. In this he perfectly concurred with the noble lord; but he did not mean with respect to Cherburgh; he meant merely that ministers would not have gone far enough if they had stopped with the pacification with France. He took it for granted, that they had

gone, and were still going much farther, since happy and fortunate as the events already ascertained had proved, and highly as he thought the measures lately pursued, with respect to the republic, were entitled to applause, he should be of opinion, that a glorious opportunity had been lost, if steps had not been taken, and were not still pursuing, for the restoration of a close alliance between this country and the republic. Without such a conclusion to the plan, it would be lamentably imperfect and incomplete.

With regard to the subsidiary treaty with Hesse Cassel, it was impossible for him to speak to it till such time as the House should be in possession of better information upon the topic than they were at present, and therefore he would wait till the future day on which it would necessarily come under discussion. He said, he happened to have come down late to the House, by which he had lost the pleasure of hearing, what he was informed had been, a most able and eloquent speech from the honourable gentleman who moved the address. Among other things that had fallen from the honourable gentleman, he had understood that in speaking of the treaty with the landgrave of Hesse, the honourable gentleman had praised subsidiary treaties, and spoken of them as measures peculiarly proper and wise to be taken by commercial countries to keep their manufacturers and labourers at home. He had, Mr. Fox said, been uniformly a friend to subsidiary treaties on the same principle; but the principle might be carried to too great an extent. It was possible for ministers to be in possession of facts that might justify the sort of treaty that should hereafter appear to have been the treaty entered into. One great use of subsidiary treaties, however, he had ever conceived to be the power they gave the government who entered into them, of reducing the military establishment at home, and lessening the expence to the country, or at least by employing the money, by applying it to give additional strength to the navy, the natural force of Great Britain. Whether this was to be the effect of the treaty with the landgrave of Hesse was a matter that remained to be inquired into when the proper day of discussion should arrive, as likewise whether the treaty mentioned in the speech was a treaty calculated only to answer the temporary purpose of the necessity that then threatened, or a general treaty founded on a more permanent basis, and which, though it added somewhat to the national expence, was convertible to the national service, whenever occasion should require. This, Mr. Fox said, was a point which he did not clearly understand from the speech, but upon which he should hereafter expect some information; not that he meant in that House to enter too

minutely into the discussion of negociations which might be pending. He was aware that the doing so was prejudicial to the public interests, and therefore he had never been fond of either pursuing or countenancing it.

With respect to the agreement of the two courts of Great Britain and France mutually to disarm, a great deal of conversation had taken place without doors on the true meaning of the declaration and counter-declaration. In that respect, he conceived all that was intended by his majesty's ministers and the ministers of the court of France was, that each power should reduce their establishments to what they were at the beginning of the year, but be at full liberty to increase them in case new circumstances arose; for if, as some people had supposed, it was understood between the two courts that they were bound down to remain in their reduced establishment state, let what would happen, Great Britain had made a most preposterous agreement, and which, as it was impossible to be adhered to by France or Great Britain, could never have been intended by either. Mr. Fox illustrated this position by stating, that if such were the nature and meaning of the agreement, this country, in case of an attack from any other quarter than France, would not have it in her power to increase her armament without the consent of France; and reminded the House, that in all our late wars the different branches of the house of Bourbon considered the subject of each as a family quarrel, in which they were all materially concerned. If, therefore, Spain attacked us, we must remain in an ineffectual state of armament. A very material question to be answered before the meaning of the declaration, or rather the exact compliance with its terms, Mr. Fox said, could be ascertained, was, what was the real state of the naval establishments of the two countries at the beginning of the year, and what was understood by each to be a satisfactory reduction?

Another observation arose in his mind upon reading the speech, and that was, that the condition entered into by the two courts, in respect to disarming, went only to the naval establishment, whereas, in the preceding part of the speech, his majesty stated, that on receiving the notification from France of her intention to assist the usurpers of the lawful government, he gave immediate orders for augmenting his forces both by sea and land. Why was not the military force to be reduced as well as the naval? The speech gave no intimation of it, neither had the declaration or counter-declaration conveyed any such intention: and this naturally led him to another part of the speech, connected with the same topic, and that was, the recommendation to the particular attention of that House, to consider of the proper means for

maintaining his majesty's distant possessions in an adequate posture of defence. He had the honour, Mr. Fox said, to have been in administration when the peace establishment was settled; if, therefore, an inadequate establishment had been then proposed, the criminality, or rather the blame of the measure, if blame were due, was imputable to him and to those with whom he acted; but not more to him or them than to the present ministry, since the same establishment had been adhered to by the succeeding administration, and continued by that House. Probably, however, his majesty's ministers had come to the knowledge of circumstances which had convinced them, that the establishment after the peace was insufficient, and if so, they would doubtless lay before the House their reasons for being of that opinion, and then it would be for the House to decide upon their validity and force.

Mr. Fox, after making these cursory remarks, returned to his original position, and in glowing terms expressed his satisfaction at the system of measures lately adopted. He said, that whether government had adopted those measures with respect to the United Provinces sufficiently soon, or whether they ought to have adopted them earlier, were matters of opinion; but he was extremely glad to find that they had at length embraced them, and he hoped when we should have connected ourselves with the United Provinces by a solid and substantial treaty, to which he could not but with reasonable expectation look forward, since the interest of each power was one and the same; that the government would pursue the idea of taking the most effectual steps to preserve the balance of power, and carry it into execution with regard to other European states and countries. He said, he did not approve of the conduct of those statesmen, who, in order to exert their political influence in foreign courts, resorted to indirect and concealed practices, by fomenting factions and cabals. But unworthy as those means were, and illaudable in themselves as they must be acknowledged to be, so long as it was notorious that they were constantly resorted to by other powers, and most especially by the court of France, it became the duty of British ministers to endeavour to counteract her purposes in the same secret way in which she endeavoured to effect them, and therefore he wished the word "forcible" had not been used in the speech by way of qualifying the mention of the interference of France. So far from the "forcible interference" of that court in the affairs of the republic of the United Provinces, being the sole interference that it behoved this country to counteract, every sort of interference, open or concealed, ought to be counteracted by us; and con-

sequently, had the word interference stood alone, and the meaning been generally expressed, in his mind the sentence would have been more proper and applicable.

His noble colleague (Lord Hood) had seemed to think that war was not so distant as might be imagined. He could not, Mr. Fox said, see any reason for despondency. So far from it, the recent events had shewn that France was, in point of finance, in so imbecile a state, as well as in other particulars, that it was not in her power to break with us, and if, with all her natural and various means of recruiting herself on an emergency, and of suddenly obtaining resources, she would not engage in a war, when such an important prize as the possession of Holland was at stake, he was pretty well persuaded that she would not quarrel with this country for some time at least, or on a slight punctilio. But the best means to insure the continuance of peace, was to add to our strength rather than trust to the weakness of our oldest and most inveterate rival. Let us enlarge the number of our allianees, insure the co-operation of other powers in the hour of attack, improve our marine, cherish and preserve it and all that belonged to that favourite service, and we might then consider the ambition of the house of Bourbon, its imbecility, or its power, as matters of equally trifling consideration. Mr. Fox here took occasion to compliment those who had the direction of naval affairs in their choice of an officer to command the grand fleet, the most important division of our maritime force. He reminded the House, that the ministry of which he had the honour to be one, had nominated the same officer to the command of the West India squadron in 1782, and that a good deal of slur had been cast on the nomination by those who at that time thought fit to question the propriety of the appointment, and to declare that officer unfit to hold the command. The recent appointment of the same officer to a still higher command, proved that the opinion he had ever entertained of the merits of Admiral Pigot was not peculiar to himself, that the slur formerly cast on his administration, for having appointed the admiral to the command of the West India squadron was unmerited, and that the persons at present at the head of the admiralty thought as highly of that officer's character and professional talents, as he, and those connected with him, had done. Mr. Fox repeated his declaration, that the substance of the address had his hearty approbation and concurrence; and having applauded it for leaving all the other considerations to which he had alluded, as matters of reference to be discussed on a future day, and by that means avoided pledging the House to points that it was impossible for them to decide upon without farther infor-

mation, said he would give his vote for it with the most heartfelt sincerity, and he hoped it would meet with the unanimous approbation of the House.

The address was agreed to *nem. con.*

SUBSIDIARY TREATY WITH THE LANDGRAVE OF HESSE CASSEL.

December 5.

THIS day Mr. Pitt having moved, "That 36,093*l.* 15*s.* be granted to his majesty for defraying the charge of subsidy which will be due to the Landgrave of Hesse Cassel for the year 1788, pursuant to treaty,"

Mr. Fox observed, that he had expected that the House would have received some explanation of the nature of the treaty, by which they were called upon to vote the sum stated in the motion. He had on a preceding occasion generally adverted to the treaty that was now the subject of consideration, and had asked whether it was to be considered as a mere temporary expence, like the rest of the charge of the late armament and preparations, or to be regarded in a more permanent light, as an expence to be continued with a view to the future situation of this country with respect to Holland and other continental powers. As there was a great deal of difference in these two views of it, and different considerations would necessarily arise from each, he conceived it highly proper that the House, previous to their voting of the money, should receive some explanation respecting it, in order that they might know the full extent of their vote.—Another matter that appeared to him to call for observation was, that in the treaty it was stipulated, that if Hessian troops were required to serve in Great Britain and Ireland, they should be put upon the same footing as British national troops. Now, as he did not suppose that it was meant that foreign troops should be brought at any time into this kingdom or Ireland without the previous knowledge or consent of parliament, he saw no necessity for the stipulation; because if ever a necessity should arise for the aid of foreign troops in England or Ireland, and the necessity should be sufficiently urgent to palliate the employment of foreign troops, and reconcile the people to the measure, an adequate number, he

conceived, might be obtained upon the condition of being treated as British soldiers, without any treaty having been in existence. With regard to the exception also of the Hessian troops from being liable to be called into service any where but in Great Britain and Ireland, unless in Germany and the Low countries, he thought it an unfortunate exception; because under the construction of the treaty, he conceived that Hessian troops could not be applicable to service in the West Indies, or in Gibraltar. If the exception had been the other way, he should have thought it better; because, in all probability, Hessian troops would never be required to serve in Great Britain and Ireland; but might be of use in Gibraltar, in America, and in the West Indies. It was not very likely that a future war would commence in the manner that the late war had done; but it was not impossible, and it was to be remembered, that Hessian troops were then employed at Gibraltar and in America. A great deal depended in forming a judgment of the treaty under consideration, upon a knowledge of the negociations then pending with other foreign powers. He had, on the first day of the session, observed, that he meant not to press for an improper communication, nor was it his wish, at that moment, although without such a knowledge it was impossible to decide upon the merits of the treaty in question; but he hoped, that voting for the sum then moved for, would by no means pledge the House, or preclude him or any other gentleman, from examining into, or objecting to, any future measure that might be proposed to parliament, as a consequence of the treaty.

The motion was agreed to *nem. con.*

AUGMENTATION OF THE LAND FORCES.

December 10.

THIS day an augmentation of the land forces was proposed by the secretary at war, for the purpose recommended in the king's speech at the opening of the session, namely, that of maintaining our distant possessions in an adequate posture of defence. The proposed augmentation was to be effected by re-establishing the third and fourth battalions of the sixtieth regiment, and increasing the number of men in the regiments on the West India service; the augmentation amounting in the whole to 3,064 men. At the same time the secretary at war informed the House, that

his majesty had been graciously pleased to declare, that, as his household troops were not, in proportion to their expences, so materially conducive to the strength and security of the kingdom as the other forces; and, as the augmentation proposed would be the cause of laying additional burthens upon his subjects; he was willing to contribute his share, by sacrificing ornament to service, in such a reduction of his household troops as should be deemed necessary and proper. These propositions gave rise to a long and interesting debate.

Mr. Fox expressed his astonishment at not discovering some better and more satisfactory reason assigned for the proposed increase of the establishment for the plantations, than the two words mentioned, that ministers had found the West Indies, upon investigating their situation during the late transactions on the continent, to be rather subjects of "anxiety" than of "comfort". These words were fortified only by the opinions of the officers and commanders on the West India islands, as to the force they severally thought requisite for the defence of the islands they commanded. For a committee of the House of Commons to vote away the money of their constituents, upon such grounds as those, would be one of the most singular instances of blind confidence in a minister that ever had been imagined possible, and could be justified only by an universal confession of that House, that such was their personal regard for the minister, such their implicit, unlimited, and extraordinary confidence, that they were ready to trust him generally with the whole management and execution of the various offices of government, to give up their parliamentary functions, to resign all pretensions to investigation, check, and controul, and readily to vote whatever he should be pleased to desire, without hearing a single reason stated for the innovations that he might choose, one after another, to introduce. Instances might occur in which it would prove both wise and necessary to place a full confidence in ministers, and to give them credit for the just application of the confidence so placed in them. For example, the minister had charged 80,000*l.* secret service money expended during the late affair in Holland. That was an occasion of the sort to which he was referring. He had there given the minister his confidence freely and readily. And why? Because the event of the transaction sufficiently proved that a wise use had been made of the money, and that it had been well laid out. So again in other cases of a single and temporary nature. Even now, if the minister had come and proposed an augmentation of the army abroad for a single year, he might have been induced to have given him his confidence, upon his saying, "I have a reason for this augmentation, sufficiently cogent to

warrant it, but I cannot explain it to the House at present." That would have been a fit occasion for confidence, and the executive government must have been given credit to for the validity of the reason, though it was not explained. But when a measure was meant to be permanent, as in the present instance, the House could not, consistently with their duty to their constituents, blindly give the minister credit for the propriety of his suggestion. They were bound to call for the reasons upon which it was grounded, to examine those reasons seriously and accurately, and to reject or approve the proposition, according as it should appear to their judgment to merit rejection or approbation.

With regard to the peace establishment of the army, Mr. Fox said, he had been one of those ministers who proposed it, and when he came down to the House for that purpose, his expectation was, that it would have been thought too large, not too small. That expectation had been fulfilled, and it had been argued at the time, that the peace establishment of the army, considering the diminished state of the empire, ought to have been still more reduced. In order to shew upon what principles he had settled the plantation peace establishment in 1783, Mr. Fox took a view of the different state of our colonies at the conclusion of the peace of Aix la Chapelle in 1749, and at the conclusion of the peace of 1762. By some, he said, it had been brought forward as an argument, that with all America in our possession, our peace establishment ought to be larger than without it, and upon that proposition it was that the plantation peace establishment of the year 1763, when the whole of America was in our hands, was greater than that of 1749, when great part of Louisiana, all Canada, and the other provinces of America, were in the hands of the French. At present, we had less of America than at either of those periods; we had lost thirteen entire colonies, and the island of Minorca. His peace establishment for the plantations had therefore taken a medium, and being nearly the same with that of 1749, was not so large as that of 1763.

Upon the comparison, allowing the argument respecting the possession of all America to be well founded, his establishment might be liable to censure for its large extent and expence; but it surely could not be questioned as too limited and too narrow. Why was it, then, now to be altered? Did the accounts we had of late years received from the United States of America give us any reason for apprehension from that quarter? Surely not. Their situation could not be cause of alarm. To what reason, then, was he to ascribe the present proposed augmentation? Was it solely because ministers saw

more cause of anxiety than comfort, when they turned their attention to our distant possessions? Had no other consideration excited their anxiety? For instance, had the state of the navy been regarded by them without anxiety? He had on a former day declared that he joined freely in applauding the late attempts to regain some continental connections. Why was he an advocate for such connections? Because, by creating a diversion for France nearer home, we weakened her powers of hostile attack abroad. Because the effect of such a circumstance enabled that House to save the money of their constituents, and to lessen their peace establishment. It was now rather a time to disarm and reduce the army, than a time for its increase. Of whom were we afraid? Of our new friends? If apprehensions on their account, and the necessity for taking the last shilling out of the pockets of their constituents, arose from continental connections and our late alliances, greatly as he had professed himself the advocate and admirer of such connections and alliances, he would abjure all such doctrines as heretical and false, and abandon them for ever.

A worthy baronet behind him (Sir Joseph Mawbey) had created a smile when he mentioned the increase of the army as necessary to keep pace with the increasing army of France, since we had agreed to disarm our navy and reduce it. He verily believed that this was the true reason of the present proposed augmentation of the military establishment in the plantations; for what else could account for so extraordinary a condition respecting our navy in the counter declaration of France? If so, France had reason to triumph in the event of the late transactions, and not we, for France had obtained a rational and a great object. At no time had France been unwilling that we should increase our army. She was wiser, and knew it was the increase of our navy and not our military that she had to dread.

Mr. Fox alluded to Lord Chatham's famous expression that "America had been conquered in Germany," which, though bold and figurative, was not, he said, untrue. In like manner the converse of the proposition was founded, and, last war, America had been lost for want of a continental war in Germany. Mr. Fox reasoned upon the policy of economy, and contended that it was by a judicious saving of our resources alone, that we could enable ourselves to meet a war and its difficulties when a war should arise. He reminded the committee of the speech of Cicero, before the Roman senate, when he had, in one of his orations, in substance said, that "the example of Julius Cæsar was more forcible than any argument which he could urge." France was, in the present case,

to us, what Julius Cæsar was to Rome. France had an army of 160,000 men, a powerful marine, and her frontier towns, such as Lisle, and others, were in complete repair. What, then, could have induced France to incur the disgrace resulting from her late conduct? Nothing, but her inability to go to war in consequence of the miserably exhausted state of her finances; exhausted by the impolitic extent of her military preparations. Were we, then, so unwise as to follow the steps that had led France to ruin, and to take up a system of expensive preparations that had been abandoned by all Europe? Mr. Fox took notice of what had fallen from his honourable friend (Colonel Fitzpatrick) respecting a commander in chief, declaring, that he was more than ever convinced of the necessity of there being a commander in chief of the army, a war minister or ministers who would take upon themselves the responsibility for military measures. In the present case, the secretary at war who opened the estimate had mentioned the opinion of the officers and commanders in the West Indies, as those who had been consulted as to the quantum of force necessary for each island. Such persons would have been the last authority he should have resorted to, and their opinions those which he should have been the least anxious to obtain; because nothing could be more obvious than that each commander of an island would demand as large a force as he thought equal to his responsibility, and would govern himself in his requisition merely by a regard to his own particular situation; whereas, in judging of a proper peace establishment for the whole possessions of Great Britain, much depended on a general and comprehensive view of all its parts, and their exigencies, relatively compared; a matter to which a commander in chief, or a war minister, could alone be competent.

From the attempt of that day to increase the permanent peace establishment of the army, it was evident that he was the only minister that had ever been chargeable with having refused to take the money out of the pockets of the people when he ought to have done so, or to have established too small a standing army in time of peace. With regard to patronage, also, which had been charged against him as the object of his pursuit when in office, respecting the army at least, he had that day been fully acquitted by the secretary at war, since the right honourable baronet had explicitly declared, that for the five last years not a single promotion had been made but by purchase, and had stated the want of patronage as a serious inconvenience resulting from the plan of seconding the officers of the reduced regiments. Mr. Fox reminded the committee, that in the year 1780, a vote had

passed, "that the influence of the crown had increased, was increasing, and ought to be diminished," and that some measures had subsequently been taken for its diminution; but, that the abundance of new commissions which had been since passed, and the number of places since created, amply made up for the diminution; and he contended, that the patronage that would result from the proposed augmentation must necessarily increase it abundantly. He asserted, that it was unfair to reckon upon the whole saving that would be occasioned by the employ of the seconded officers in the new companies, since, though little had, as he believed, as yet arisen from their deaths, more would every day accrue as they died off.

With regard to the Hessian treaty, he declared himself a friend to it; but the passage of it that appeared to countenance the introduction of Hessian troops into Great Britain required explanation. He recapitulated the effect of the jealousies that had formerly arisen on that head, and mentioned the late Lord Chatham's having differed from the minister (Mr. Pelham) when he held an office under him, and said, that his great argument in favour of the militia being instituted, rested entirely on the plea that it would prevent the possibility of there ever again arising the smallest necessity for employing Hessian troops within the realm. He acknowledged that he had supported the proposition of last year of not calling out the militia so frequently as had been the practice before, and as was the wish of many gentlemen, who were not only his particular political friends, but in every point of view most respectable characters, and declared that he did it from a consideration, that the economy of the new measure was a greater national advantage than any benefit which could result from continuing to call them out as usual. He mentioned also the late Lord Chatham's having always declared himself an advocate for a strong navy and a reduced army, and contrasted the late lord's conduct in both particulars with that of the present minister, declaring that although he himself as well as the right honourable gentleman might handsomely and honourably differ, in some of their political opinions, from those of the persons to whom they owed every endearing filial obligation, it was rather extraordinary, that the right honourable gentleman should appear to have countenanced the introduction of foreign troops into Great Britain, in preference to calling out the militia, and to have consented to a stipulation with France to reduce the naval force of the country, and then come forward with a proposition for an augmentation of the army. Mr. Fox said, that the 36,000*l.* expence incurred by the Hessian treaty must certainly be added to the increase of

the army estimates, whereas he had considered it as enabling us to increase our marine, and protect the West India islands with a naval force. He stated as another objection to the proposed plan, the unhealthy climate of our West India islands, and declared, that if the augmentation had been applied any where else, he should have better liked it. He mentioned Nova Scotia as a healthy colony, and said that it would have been a better station for a military force than the West Indies, and the troops would have been sufficiently near at hand in time of danger. He spoke also of the dispersion and distance of the West India islands from each other, the uncertainty of sea voyages, and the constant uniformity of trade winds and tides, as other sources of inconvenience, which amounted to a corroboration of the impolicy of having a large land force locked up in the islands.

Mr. Fox next returned to his first reasoning, upon what he stated to be of an unparliamentary and unconstitutional tendency, the inclination to put a confidence without bound or limit in the minister, in a case where he contended implicit confidence ought not to be granted. He called, therefore, upon those who were the real friends of the minister, to join with him in convincing him of their sincerity, by making their stand there; and though they had concurred with him, and with the public, in giving due praise to the right honourable gentleman for the happy event of their exertions in the course of the year, convince him that they meant him better, than blindly to follow in supporting all his plans, whether explained satisfactorily and sufficiently, or introduced without a single reason that could tend to impress a conviction of their propriety. The hour of triumph, Mr. Fox added, was that of all others in which it was the most necessary to be cautious, and to guard with more than an ordinary degree of vigilance against being surprized into the sanction of a permanent measure, which could not afterwards be recalled or remedied.

It having been remarked, in the course of the debate, by General Burgoyne, that the plan of augmenting the forces in the West Indies, seemed necessarily to imply a correspondent system of fortification in that quarter, and that some explanation of the intentions of government upon that point was requisite for the information of the House; Mr. Pitt avowed that some additional fortifications, upon a moderate scale, and with a view to render the military force more efficient, were intended, and were so connected with the plan of augmenting the land force to be stationed there, that they might be considered as an indispensable part of it. For the propriety of this measure, they had not only the sanction of a board of English general officers, but that of the most eminent

French engineers; since not only every island belonging to that nation was fortified, but they also had begun to fortify those they took from us in the last war, as soon as they came into their hands.

Mr. Fox answered, that what had fallen from the right honourable gentleman confirmed him more than ever in his opinion, that it was utterly impossible for the committee to vote the augmentation proposed, without farther and more satisfactory explanation. The right honourable gentleman had told them in a fair and candid way, that a system of fortification was intended to be adopted in the West Indies. How, then, was it possible for them to vote at all in the present case, without their being previously made acquainted with the extent to which that system was proposed to be carried, and the amount of the expence it would cost the public? When he said this, he did not mean the mere sum to be voted on account annually, but the total amount at which the completion of the proposed new system was estimated. The right honourable gentleman's argument, Mr. Fox said, afforded a strong additional reason for there being in that House a commander in chief to explain to them, that such a system of insular defence as that proposed was necessary.

A division at length took place upon the motion, that 315,865*l.* be granted for the forces for the plantations and Gibraltar, for the year 1788; when there appeared, Ayes 242: Noes 80.

Impeachment of Mr. Hastings.

December 11.

In consequence of the order of the House of Lords with which Mr. Hastings was served towards the close of the last session, to put in his Answers to the Charges exhibited against him by the Commons on the first Tuesday after the next meeting of parliament, on the prescribed day he appeared at the bar, and presented answers. Of these the lords sent a copy to the House of Commons on the 5th of December. The answers being read short, pro forma, Mr. Burke moved, "that the said answers be referred to the consideration of a committee;" which having been agreed to, and Mr. Burke being named by Mr. Pitt as the first member, Mr. Burke then named Philip Francis, Esq., and, upon the question being put, the House divided, Ayes 23: Noes 97. Mr. Burke, upon this, rose and declared, that of such material assistance had they deprived him, in rejecting Mr. Francis, that he scarcely knew

how to proceed, and felt the cause to be in some degree damned by the recent act of the House. He reminded them of the seriousness and solemnity of the whole proceeding, a proceeding which, after deep and frequent deliberation, had been brought, step by step, to its present advanced stage, and ought to be continued during the remaining part of its progress with equal steadiness and uniformity. He admonished the House, that their conduct in this very important and grave transaction was a matter most highly interesting to the national character, and that, consequently, they were amenable, for every one of their proceedings respecting it, at the high and awful tribunal of the public and the world at large. He pressed them to consider of the dangerous effect of their appearing in the smallest degree to prevaricate in the course of the prosecution, and urged the manifest injury and injustice of changing their committee, and rejecting any one of the members of the former committee without a reason previously assigned. The only presumeable reasons for rejecting any one member of the former committee, could be no other than two; either a general disqualification on general grounds, or a personal disqualification from inability or unfitness to assist in conducting the prosecution. Both these questions had been already decided, and the House would have acted wickedly and weakly in suffering his honourable friend to take so great a part in the proceeding hitherto, and to have adopted his ideas, if they had judged him to be disqualified to take a share in the business. The fact was, his honourable friend was most eminently qualified to assist in the prosecution; for through his superior knowledge of it had all the charge relative to the revenues been made out and established, and so greatly had he himself been aided and assisted by the information which he had received from his honourable friend, that he in his honour and conscience declared, he felt himself disqualified from conducting the remainder of the prosecution safely and securely without him. It was for this reason, essential to himself, and essential to the House, and their joint credit, that his honourable instructor and associate (for so he might justly term him) should continue a member of the committee. Why the House had by their recent vote thought proper to reject the future assistance of his honourable friend, he was utterly at a loss to guess; — that those members who had uniformly expressed a disinclination to the prosecution, and in almost every stage of it endeavoured to put a stop to it, should have made a part of the majority on the late division was natural enough, because nothing could be more consistent than for those who had declared themselves adverse to any prosecution, to endeavour to take away the means of pursuing it, when once a prosecution was instituted; but for many of the gentlemen of another description, who had cordially co-operated and assisted in the investigation, previous to the matter having assumed the regular shape and form of a criminal process, to concur in a vote which embarrassed and weakened the cause, and endangered its ultimate event, was to him a circumstance altogether unaccountable. The committee then naming was not the committee of managers, and therefore not of equal im-

portance; but so fully was he convinced of the great utility and importance of the assistance of his honourable friend, and that he should feel himself, who knew the subject as well as most men, so exceedingly crippled and enfeebled without the advantage of his honourable friend's superior information, that when the day for naming the next committee should come, he would again appeal to the sense of the House, and try to have his honourable friend re-instated.

Mr. Fox followed Mr. Burke, and appealed seriously to the gentlemen on the other side, upon one particular resulting from their late vote, by which they had thrown so great a discountenance on the prosecution; and that was, the necessity of filling the chasm in the committee, which they had occasioned by rejecting the only member who, from every consideration, appeared to be the most proper to be upon it. Mr. Fox, therefore, submitted it to the consideration of the other side of the House, whether it would not be right and becoming in them to supply the vacancy, by naming from among themselves some person of acknowledged information upon the subject. He suggested the right honourable gentleman at the head of the India board; but said, that he would agree to the nomination of any other well-informed gentleman, whom the other side of the House might consider as a proper person for their acceptance.

No notice being taken of this address, Mr. Burke proceeded to nominate the committee, which consisted of the same persons as the former, with the addition of Mr. Wilbraham, Mr. Fitzpatrick, and Mr. Courtenay. Mr. Burke then moved, "that the committee be armed with the usual powers," which was agreed to. On the Friday following, Mr. Burke brought up from the committee a replication to the answers of Mr. Hastings, in which the Commons, in the usual form, aver their charges against the said Warren Hastings to be true, and that they will be ready to prove the same against him, at such convenient time and place as shall be appointed for that purpose. The replication was ordered, the next day of sitting, to be carried by Mr. Burke up to the Lords, who appointed the 13th of February for proceeding upon the trial in Westminster-hall.

On the 11th of December the House proceeded to appoint the members of the committee above mentioned to be managers of the impeachment. After which,

Mr. Fox begged leave to trespass upon the attention of the House, whilst he adverted to his design of proposing, as a member of the committee for managing the impeachment at the bar of the House of Lords, an honourable friend of his whom the House had approved as a member of the committee to whom the drawing up of the articles of impeach-

ment had been intrusted, but whose nomination as a member of the committee appointed to consider of the answer to these articles had been opposed. There must, indeed, be strong arguments adduced to prove the fitness of the honourable gentleman to sit as a member of the one committee, and his unfitness to sit as a member of the other. They were not now acting as the judges of Mr. Hastings; they were not even sitting in the character of a grand jury to decide whether or not a bill of indictment was to be found against him; they were become his prosecutors; in that capacity they had committed themselves, and would act with the utmost inconsistency if they failed to avail themselves of every circumstance and of every assistance that might give effect to their prosecution.

Whatever objections might be urged to Mr. Francis as the judge of Mr. Hastings, though for his own part he neither felt nor admitted their existence, there could be no possible objection to his appearing as his accuser. To the character of an accuser, innocence and integrity were indispensably necessary. It was requisite that he who preferred an accusation against another should himself be blameless, and his reputation unsuspected. That his honourable friend possessed this reputation was well known to all who heard him. All knew that he had been sent out to India as one of the supreme council on account of this reputation, and returned with the approbation and the confidence of his employers. But in such a case the testimony of his friends would be incomplete, unless corroborated and confirmed by the testimony of his enemies. This testimony his honourable friend had also obtained. By a steady and consistent hostility to the malversations and corruptions of others, he had provoked the most rigid scrutiny into his own conduct while in India, and since his return he had courted, not shunned, inquiry. Had any discoveries of misconduct on his part been to be made, they would long since have been before the public, since they must have come within the knowledge of those who were well disposed to bring them to light. It was, therefore, fair to conclude that his character was unimpeachable, since it had not been impeached, and that he possessed that innocence and integrity of life and conduct which qualified him to come forward as the accuser of another.

It was fit also that an accuser should possess talents. What the natural abilities of his honourable friend were, it was needless to state where they were so well known. What his acquired abilities on the subject of the prosecution were, must be equally evident from the opportunities he had enjoyed. It was much to have been in India; it was much to have been acquainted with the evasions and tergiversations under

which Mr. Hastings had been accustomed to screen his conduct. When Cicero came forward as the accuser of Verres, what were the arguments he advanced why the prosecution should be committed to him? "Because," said he, "I am acquainted with the evasions and sophistry of his advocate Hortentius. I am accustomed to combat and to overthrow them."

Nor was it less requisite that an accuser should entertain no partiality in favour of the accused; and not only that he should entertain no partiality, but that he should not be indifferent as to the event of the prosecution: that he should be animated with an honest indignation against the crimes and the criminal whom he attempted to bring to justice. In the case of a prosecution for murder, where the son of the person said to have been murdered was the prosecutor, he made his charge and produced his proofs with such seeming coolness and indifference, that the judges stopped him by asking: "Were the facts you alledge true? Was this man really the murderer of your father? If you indeed believed him such, you could not possibly go on in this unaffected and impartial manner. While, therefore, you address us in this trim language, we can give no credit to what you say." Even like this might be the answer of the party accused; and such had actually been the answer of Mr. Hastings to the remonstrance of the court of directors: "If you actually disapprove of my conduct, you could not possibly address me in such gentle terms." If Mr. Francis was supposed to cherish enmity to Mr. Hastings, it was not enmity to his person, it was enmity to his crimes. He was, therefore, from his detestation of those crimes, and his ability to prove them, a proper person to become the accuser of Mr. Hastings. There was no such thing known as an impartial prosecution in this country, for although all prosecutions were commenced in the king's name, it was always the party injured that came forward in support of them.

As to the merits of his honourable friend in other points, it was enough to say, that if India was to be better governed; if the abuses and corruptions that had prevailed in that country were to be corrected; if the honourable gentleman at the head of the board of control was able to introduce a purer and a better system, he must own that his knowledge had flowed originally from Mr. Francis. Under these circumstances, if his honourable friend was not appointed a member of the committee, the House must prevaricate and depart from a charge which they had already adopted. He had with infinite application and ability brought forward the charge of abuses in the administration of the revenues. By

means of his local and personal knowledge, he had developed the whole mystery of corruption; he had enforced it on the conviction of the House; he had persuaded an unwilling audience—for no man was willing to become an accuser. And would the House, now that they adopted the accusation and made it their own, prevent his honourable friend from supporting it at the bar of the House of Lords, where he alone could support it with effect?

The sole argument which he had ever heard against the appointment of his honourable friend was, that he had once had a personal quarrel with Mr. Hastings. Of what weight was this? He was not to be the judge, but the accuser of Mr. Hastings; and not the only accuser, but an accuser joined with others. Was he supposed of such authority as to influence the judges? Were the whole committee of such authority? The Lords would sit to pass sentence, upon their honour, like a jury on their oath; and Heaven forbid that the united authority of the Commons of England should influence their decision! Were this argument to be allowed of any force, what a lesson would it teach to all our governors abroad, who might dread inquiry into their conduct? It would be saying this to them: "You know the persons who have the means of discovering your mal-administration, you have only to provoke a private quarrel with them, and they can never afterwards be suffered to bring a charge against you; and if they cannot be admitted as your accusers, much less can they appear as evidence against you." The truest criterion for judging on the subject was the circumstance that the prosecution was to be arranged like other prosecutions, and that the House having once adopted it as their own, were to employ the best means of supporting it. His honourable friend was more conversant in the affairs of India than any member of that House, and not to avail themselves of his knowledge and ability, would be a dereliction of their own cause. If they demanded impartial accusers, who were acquainted with the subject of the accusation, where were they to be found? Not in India, for it afforded not a man who could be said to be impartial in this cause. And by whom was Mr. Hastings to be accused—by those who had supported his measures, or those who had opposed them? by his friends, or his enemies? There were not many accusers from India. He knew but few from that quarter who could dare to assume the character, or whose own conduct would stand the test of inquiry. Under these circumstances, to exclude from the committee the person likely to be the most dangerous accuser, would have a very pernicious appearance. Next to the power of chusing, was the power of rejecting accusers; and such fa-

vour shewn to him who had abused the authority intrusted to him, and such discountenance to him who had faithfully done his duty, would have the effect of making the criminals conclude themselves in safety, and operate as an unjust and barbarous restraint upon the innocent. Mr. Fox now moved, "That Philip Francis, Esq. be added to the managers appointed to manage the impeachment of Warren Hastings, Esq."

The motion occasioned an interesting debate. It was supported by Mr. Windham, Mr. Sheridan, General Burgoyne, and Mr. Burke; and opposed by Mr. Pitt, Mr. W. Grenville, Mr. Dundas, and Major Scott. Mr. Francis, in a very able speech, entered into an account of his conduct respecting Mr. Hastings, for the last thirteen years, both in India and England. On a division, the numbers were

	Tellers.			*Tellers.*	
YEAS.	Sir J. Erskine Mr. North	62.—NOES		Mr. J. J. Hamilton Mr. Steele	122.

So it passed in the negative.

Committees were afterwards appointed by both Houses to search the records of parliament, for precedents relative to the mode of proceeding in trials by impeachment, and the necessary orders were made for their accommodation in Westminster-hall, for the admission of spectators, the attendance of witnesses, and other matters respecting the regularity of their proceeding. On the 13th of February 1788, the trial commenced, with the usual formalities. The counsel who appeared for the defendant were Mess. Law, Plumer, and Dallas. The assistant counsel for the Commons, Dr. Scott, and Dr. Laurence, Messrs. Mansfield, Pigott, Burke, and Douglas.

RIGHT OF PETITION.

December 12.

ON the 10th of December, Mr. Alderman Sawbridge offered to present a petition from the several electors of the borough of Queenborough, setting forth, that for thirty years past works by the board of ordnance had been carried on there without any kind of advantage to the public, but for the sole purpose of creating an unconstitutional influence in the borough at elections for members to serve in parliament; and praying the House to appoint a committee, before whom the petitioners pledged themselves to prove the facts stated in the petition. The Speaker having expressed some doubts as to the propriety of the petition, as it appeared to him to be rather in the nature of a complaint, the motion for bringing up the said petition was rejected. On the 12th, Mr.

Sawbridge presented a similar petition to the one which had been rejected. It alledged, that the board of ordnance carried on a branch of the service of their department at Queenborough, at a much greater expence than was necessary, merely for the purpose of corruptly influencing the electors of that borough, and by that means procuring the return in favour of a person belonging to the ordnance, a circumstance equally improvident in respect to a lavish and unnecessary expenditure of the public money, and unconstitutional, as tending to the destruction of the independance of the borough, and after stating that this practice had obtained for thirty years, the petitioners pray the House to institute an inquiry into the facts alledged, and provide such redress as the wisdom of the House may deem proper; engaging on their parts to prove their allegations at the bar of the House.—Mr. Dundas said, that if the petition had concerned the patrimonial rights of the petitioners, he should have had no objection to its being received; but he contended, that it was in direct contradiction to the established rules of the House to receive from private individuals petitions on public questions which regarded the rights and privileges of parliament. It was no doubt competent to any member of that House to bring forward any discussion of that nature; but it was surely against every precedent to receive the petition in its present shape; because it referred to no particular election, but merely stated in general, that abuses had prevailed in influencing the electors of Queenborough. If the House were to listen to such vague assertions, there would be no end to petitions of that nature. He had not the least objection to the discussion of the subject; but he wished that it should originate from some member of the House, and not in consequence of the petition of a few individuals.

Mr. Fox observed, that he thought it incumbent on the right honourable gentleman rather to state a precedent against the receiving the present petition, than to call for precedents in support of the practice; not but, as there were many bad precedents on the journals, possibly one might be found in favour of the right honourable gentleman's argument. There could not, however, be a worse precedent made, than that of refusing to receive the present petition, which was, in fact, not what the right honourable gentleman had termed it, a petition conveying a general charge, but a petition from private electors of the borough of Queenborough, complaining that their rights, as electors, were injured, and the independence of the borough, for a representative of which they were legally entitled to vote, destroyed in consequence of the corrupt influence of the board of ordnance over the majority of the electors of that borough.

Mr. Fox declared that he knew nothing of the petition before it was brought into the House, but he must and would contend, that it was in truth and substance such a petition as

the House ought to receive, being, to all intents and purposes, a petition complaining of a specific grievance. With regard to the argument of the right honourable gentleman, what did it amount to? If that House could only act upon petitions, alledging one particular grievance, and that, perhaps, of an insignificant nature, affecting one or two parties only, and not upon petitions stating great and broad grievances affecting many, and that doctrine were avowed, what was it but a declaration that the House could apply redress in cases of small grievances only, and not in those where the grievance was crying and enormous? Would any man who knew and regarded the powers and privileges of that House, maintain so depreciating an argument? For his part, he did not admire the manner in which the subject of the present petition had been treated from its first mention. No man could question the subjects' right to present petitions to their representatives; because it was idle to suppose, that when a stipulation had been made by the bill of rights, that the subjects should, in all cases, have a right to petition the crown, they had not an equal right to petition the House of Commons, their own immediate representatives. He knew but of three objections to the receiving petitions; one, when the petition stated a case in which that House, from the nature of the thing, had it not in its power to apply any redress; a second, when the subject was of so insignificant and trivial a nature, that it did not merit any attention; and a third, where the petition was drawn up in disrespectful and insulting terms. Within neither of these descriptions would it be contended that the present petition came: it stated a great and a serious grievance; it prayed a redress which the House had in its power to remedy, and which it was peculiarly their province to inquire into; and lastly, it was drawn up in terms perfectly decent and perfectly respectful.

Mr. Fox said he lamented, and it was always to be lamented, that the House should ever refuse to receive a petition, without a single reason having been assigned for rejecting it. They had unfortunately done so in the present case on Monday last. What was the inference? When a petition was presented to the House of Commons alledging a grievance affecting the freedom and independence of an election, the House of Commons refuse to receive the petition! Was that a character the House ought to draw upon itself? Undoubtedly it was not; nor would the House, he was sure, easily endure it. With regard to the argument that the subject matter of the petition might as well be urged by a member in his place; so might the subject matter of any one petition that ever had been presented. But, could it be stated with equal conve-

nience and equal effect? Most certainly it could not. In the present case, the petitioners undertook, at the risk of the censure of the House, to make good the allegations of the petition at the bar. Was it equally in the power of a member to substantiate facts with which he was not at all acquainted? Let that House remember, that if the doctrine of abolishing the receiving private petitions were to obtain, it would be telling the people of England in plain terms, "We will not listen to your grievances, we will only listen to the grievances of our own members."

The petition was ordered to lie on the table.

SIR ELIJAH IMPEY'S COMPLAINT OF SUNDRY LIBELS PUBLISHED AGAINST HIM.

February 8. 1788.

ANOTHER accusation of Indian delinquency was brought before the Commons in the conduct of Sir Elijah Impey. This task was undertaken by Sir Gilbert Elliot, who, in a very able and eloquent speech, maintained two general principles; that India must be redressed or lost, and that the only means left of reforming Indian abuse, was the punishment, in some great and signal instances, of Indian delinquency: he stated the nature, the occasion, and the purposes of the commission with which Sir Elijah Impey was sent out to India, as involving circumstances which were strong aggravations of his guilt, and increased the necessity of its punishment; that in the two grand objects which were committed to his charge, the protection of the company from the frauds of its servants, and of the natives from the oppression of Europeans, he had, by corruptly changing sides, added his new powers to the very force they were intended to control, and taken an active part in the oppressions which it was his duty to have avenged. Sir Gilbert Elliot presented to the House six distinct articles of accusation. The subject of the first was the trial and execution of Nundcomar; the second, the defendant's conduct in a certain Patna cause; the third, intitled extension of jurisdiction, comprehended various instances, in which the jurisdiction of the court was alledged to have been exercised illegally and oppressively, beyond the intention of the act and charter; the fourth charge, intitled the Cossijurah cause, though also an allegation of illegal assumption, was distinguished by circumstances so important, as to become properly the subject of a separate article; the fifth charge

was for his acceptance of the office of judge of the Sudder Dewannee Adaulut, which was contrary to law, and not only repugnant to the spirit of the act and charter, but fundamentally subversive of all its material purposes; the sixth and last charge related to his conduct in the province of Oude and Benares, where the chief justice was said to have become the agent and tool of Mr. Hastings in the alleged oppression and plunder of the Begums.

On the 7th of February 1788, Sir Elijah complained to the House of having been attacked in some daily prints of that and the preceding day, respecting the answer he had given to the first charge. Several printers, he said, had offered their services to him, but he never had paid any attention to them, being fully determined in his own mind to give no answer to charges exhibited against him through those channels, and was resolved to reserve himself to answer to that House. He now prayed the House to protect him from the attacks of the papers during the continuance of his defence. He knew not how to claim that protection, but he doubted not it was in the power of the House to grant it. The attacks he alluded to, were made in a pamphlet; in a morning print of Wednesday; and in another print of Thursday. Mr. W. Grenville said, he was sorry that the complaint had been made to the House; but, as it had been formally made, it was, in his opinion, impossible for the House to pass it over unnoticed; wishing it therefore to be considered, and at the same time anxious to prevent its interrupting the business before the House, he moved, "That the matter of the complaint be taken into consideration by the House to-morrow." The motion being agreed to, on the following day, Sir Elijah Impey was called to the bar, and desired from the chair, to state his complaint. Sir Elijah then delivered in to the House two newspapers, the one intitled, "The Morning Herald, Wednesday, February 6. 1788," and printed by W. Perryman, at No. 18. Catherine Street, in the Strand; the other intitled, "The Gazetteer, and New Daily Advertiser, Thursday, February 7. 1788," and printed by M. Say, at No. 10. in Ave Mary Lane, Ludgate Street. And Sir Elijah informed the House, that Mr. Debrett, the publisher of the pamphlet which he yesterday complained of to the House, had, this morning, given him assurance that the publication thereof should be immediately put a stop to; and that therefore he did not desire to persist in his complaint against the publisher of the said pamphlet. Sir Elijah having withdrawn, Mr. Grenville stated, that the newspaper misrepresentations of the proceedings of that House had, of late, been very frequently complained of, and possibly, unless some notice were taken of them, they would grow to such a head, that it would not be in the power of the House to stop them. He would not then discuss the wisdom or the policy of taking such measures, as should effectually put an end to their future progress, but would mention a few observations necessary to be considered on the present occasion. He then remarked, that it had generally been deemed most expedient for individual members of that House to pass over the freedoms daily taken with their names, and to treat them with indifference. Unless in very

enormous instances, a variety of reasons might be alleged in illustration of the good sense and propriety of this practice. In the first place, gentlemen had the testimony of their own consciences to support them, and while they were satisfied that they acted from good and virtuous motives, the imputation of undue motives for their conduct, was a matter that only merited their contempt; or if what they said was misrepresented, the mis-statement could not be of long duration, as every gentleman had it in his power, in a very short time, to do himself justice in the most effectual manner. There were other obvious arguments that might reconcile individuals to the liberties taken with their names and characters; but he had great doubts, whether the same arguments would apply to the House collectively. It was of importance that the people should be induced to look up to that House with respect and confidence, and on that account, it might be extremely inexpedient ever to pass over this attempt to weaken that confidence, or to diminish that respect. But there was a third point of view in which the House could not consistently assume any discretion whatever, and that was the sort of case then under contemplation. The case of a person answering at the bar to different charges of high crimes and misdemeanors, who, while his defence was pending, had found it necessary to claim the protection of the House against the attacks of libellous writers in the newspapers, and had formally complained of two specific libels, which he had that day exhibited. Having expatiated on these three distinct views of newspaper libels, affecting the proceedings of the House of Commons, and improperly interfering with them; and on the peculiar case of Sir Elijah Impey, who had been sent to India thirteen years since, in an office of great trust and confidence, and had been brought back to answer to charges, of which, if it should appear that he had been guilty, he was the greatest criminal in existence, Mr. Grenville observed, that in a few days his guilt or innocence was to be decided, and dwelt upon the dangerous effect that a temporary libel might have upon his cause, and the necessity of keeping the minds of those who were to determine unbiassed and free from prejudice. Having urged this point, as well as Sir Elijah's right to claim the protection of the House, Mr. Grenville proceeded to advert to the sort of punishment usually resorted to by the House, whenever it felt it necessary to exert its authority for the maintenance of its own dignity, and the defence of its privileges. That the House had an inherent constitutional right of punishing those who violated its privileges, or treated its authority with contempt, and that it made a part of the common law, no man who had at all considered the subject, could be ignorant. On the present occasion, however, it was not his intention to exercise the powers of the House. At a period, when the judges of the courts of law had been dependent on the crown, when the source of justice was foul and corrupt, and when the improper exercise of the prerogative of the crown was to be dreaded, the House had wisely and judiciously made use of its own power to attack and to punish those who had ventured to incur its displeasure; but the times were now different, the judges had

been made independent of the power of the crown, and had nothing to expect and nothing to dread from that quarter. The courts of law, therefore, were pure, and free from all colour of suspicion. It was, for that reason, better to have recourse to the law of the land in cases like that before them, than to the law of parliament. Mr. Grenville next reminded the House of the sense the court of king's bench had already expressed of the impropriety of publications relative to any matter in process, or likely to come to trial, by mentioning the case of the justices in Bow-street, against whom the late Mr. Wallace moved the court for an information, for their having published accounts of the public examination of the prisoners, when the court declared the justices were liable, because such previous publications might prejudice men upon their trial, He stated this to shew, that the mode of prosecution which he proposed was that best adapted to the nature of the case, and having enlarged upon that point, he concluded with moving, "That the said papers contain a scandalous libel, grossly reflecting on this House and the members thereof, and tending to prejudice the defence of a person answering at the bar to articles of high crimes and misdemeanors against him by a member of this House." Should this preliminary motion be agreed to, Mr. Grenville said, he would move to address his majesty, that he would give orders to the attorney-general to prosecute the authors, printers, and publishers of the papers complained of.

Mr. Fox remarked, that he could not avoid expressing his agreeable surprise to hear an argument in favour of the authority and of the privileges of that House come from the quarter from which it had proceeded. He was glad to find, that those who had got into power by sinister means, who had obtained their situations in direct contempt of the confidence of the House of Commons, after they had been some time seated, thought it necessary to kick down the ladder by which they rose, and affect at least to treat the House with becoming respect, and to talk of the necessity of that House always preserving the confidence of the people. In what manner, however, had the right honourable gentleman now proposed to enforce the authority of that House? He had stated that the House of Commons possessed an inherent, constitutional right of punishing those who incurred a contempt, or were guilty of a breach of its privileges. Such a right the House undoubtedly possessed, and if ever there was a case that particularly called for the exertion of it, this was the very case. He was ready to admit, that the publication complained of, was a very irregular and improper interference with the proceedings of that House. It ought, therefore, to be taken notice of: it ought to be punished. But how? Not in the way the right honourable gentleman had proposed, not by address to his majesty, to order his

attorney-general to prosecute, but by an exertion of their own powers, and their own powers only.

Mr. Fox analysed the article complained of, and asked, if it contained any general libel on the government of the country, or any thing of a public nature, that pointed out prosecution in the court of King's Bench, as the fit and proper mode of prosecution? The whole drift and tendency of it was to interfere with the proceedings of that House, touching the defence of Sir Elijah Impey. Why, then, would the House, in a case so immediately relating to its own concerns, appeal to the crown for aid? It was a curious inconsistency for the right honourable gentleman to argue upon the constitutional powers of the House to assert its own rights and maintain its own privileges, and then in a case of breach of privilege, and breach of privilege purely, to abandon those constitutional powers, and resort to the powers of the crown.

Mr. Fox contended that such an improper mode of prosecution led much farther than gentlemen possibly imagined, and might ultimately carry their privileges, the privileges of the House of Commons, to be decided upon by the House of Lords! He commented on the eagerness to prosecute which had in this instance been evinced, and said, the House had not shewn as much attention to its own members as they had done to Sir Elijah Impey. Were not their own committees equally sacred? And yet they well knew, that libel after libel had been published against the reports of their committees, and they had all seen a bill of charges for the insertion, in a public newspaper, of a series of libels on the proceedings of that House, and on the conduct and characters of several of its members. With regard to the article at present complained of, he should hardly think, that, had the argumentative part of it merely appeared, any man would have thought of moving a prosecution. The improper phrases with which it was accompanied, and the indecent comments upon the proceedings of that House undoubtedly he should not have used, nor ought they to be countenanced; but the argumentative part, that about the jurisdiction, he had no scruple to say coincided nearly with his own opinion. He urged the necessity, in a case so peculiarly their own, to keep it within their own jurisdiction; and reminded the House, that when once they committed the prosecution to the law courts, they had no farther command of it, and however inclined they might be to shew lenity, they would not have it their power. He asked if any person could tell him that a breach of the privileges of that House could be made a count in any information or indictment? He declared he believed that it could not, and contended against the absurdity of punishing the

contempt of one court in another court, and of adopting that mode of prosecuting a complaint which was of all modes the least adapted to the nature of it. Mr. Fox also hinted at the late sentence against Lord George Gordon in the court of king's bench as being inordinately severe, and assigned that, among others, as a reason why the House should not be too eager to carry its contempts into Westminster-Hall to be punished, when it was generally admitted, that they had the power of punishing them in their own hands.

Mr. Fox was ably supported by Mr. Burke, and Mr. William Adam. Mr. Pitt said that no man could question the undoubted right of that House to assert their own privileges, and to punish those who should dare to infringe them; and contended that no mode could be adopted more constitutional, none more regular and proper, than that suggested in the motion before them. It was, indeed, true, that in times of confusion and notorious corruption, when the sources of justice were manifestly vitiated, and the crown exercised an unlawful authority over the courts of law, the House had found it expedient to take cognizance of those breaches of privilege, and to do themselves justice; but the more frequent, as well as the most advisable and constitutional method was that proposed by his right honourable friend. For his own part, he could declare that no man respected the privileges of that House more than he did, or would go farther to vindicate them; but he always thought that where a remedy might be obtained by common law, and in the ordinary course, it was neither prudent, wise, nor proper, to resort to extraordinary means: and such, with all the ingenuity that had been employed to perplex the question, he must consider that to be which was insisted on by gentlemen on the other side of the House. Cases had occurred in which the House had committed themselves upon the very same ground with that now so much insisted on, and in which they found themselves not a little embarrassed how to act. He, for one at least, was ready to confess that he did not know of any power with which that House was invested to compel the attendance of any of those parties, supposing they thought proper to refuse appearing. The libel was generally acknowledged to be very gross; nor was there any difference of sentiment, but in the most expedient mode of punishing those that were guilty of it. He could not, however, but remark, that it appeared a little extraordinary in the same persons who agreed in the condemnation of it, to adopt and sanctify the most obnoxious parts in their speeches in that House. On this occasion, they even went farther, and would fain deny all protection to the gentleman who appeared at their bar in a predicament, which, of all others, entitled him to it the most. That protection he would most undoubtedly feel disposed to extend towards him, as far as a sense of justice, and his duty as a member of parliament required. By those parts of a paragraph which affected him personally, he trusted that no gentleman would suppose he was at all influenced. He disregarded every thing of

that kind so entirely, that he would not give it a moment's consideration. That was no reason, however, why he should not enforce what he conceived to be justice to the dignity and authority of the House, as well as to the individual who had exhibited the complaint.

Mr. Fox claimed the indulgence of the House, whilst he explained himself upon some of the points which had been advanced by the chancellor of the exchequer. And first, he felt it his duty to repel the imputation which had been cast on him, and on his friends who had espoused his side of the question. He trusted that no man, who was at all acquainted with his sentiments or character, would be induced to believe that he was a friend to libels or libellers. What he had thrown out with respect to the article in question bore no such appearance, and he would repeat, that on a review of the numerous paragraphs of a personal and libellous nature, with which the press teemed every day, that would be found one of the least obnoxious, nor did he condemn it any farther than as it interfered with the proceedings of the House. With respect to the doctrine laid down, he thought it perfectly fair and rational, and the reasoning perfectly just. Thus far he adopted it, but he begged it might be fully understood he did not hold the opinion, that because members in that House might, not only with propriety and strict regard to their duty, hold certain language, and declare certain sentiments upon any topic under their consideration, the public prints were warranted in giving them to the world at large. The freedom of speech he considered as the first and most essential privilege of parliament, inseparable from its dignity and well being, and he could easily imagine many cases in which it would be a gross libel and breach of privilege in a newspaper, to publish such words as he might find it necessary to make use of in his place. Still, he continued of the same mind as to the mode of proceeding which the House ought to adopt on the present occasion. He thought that as the article complained of could be punishable only in as much as it was a contempt of the House in its inquisitorial capacity, no other tribunal could take cognizance of it; and upon this he wished to have the opinion of the attorney-general, who could not, according to his notion, draw up either an information or indictment, so as to introduce the breach of privilege properly into one count. It also deserved the serious consideration of those with whom the motion originated, that the House would, by the procedure they proposed, be deprived of all power of proportioning the quantum of punishment to the nature of the offence; they would be left without

redress, should the sentence inflicted be too light and inadequate, and they would be equally deprived of the power of pardon supposing that sentence too severe. For his own part, he was much averse to prosecutions for libels, chiefly because the sentence was frequently disproportioned to the crime, and this opinion was confirmed by the recent instance which had been alluded to. There did not appear to his mind a remedy which the House could apply, supposing, on conviction, the parties now complained of should be condemned to a similar punishment.

He begged to clear himself from having uttered any thing by way of insinuation against that learned body which had been spoken of; it was not in the way of insinuation,—a species of accusation not very congenial to his nature,—that he threw out what he had expressed about them; he urged it as matter of direct charge, nor would he receive the very flimsy apology which had been set up in their behalf; he would not pay so ill a compliment to the lawyers of this country as to suppose they were not as competent to pronounce upon the general principles of government as they were to speak to local points or municipal customs. But, in the case of Mr. Hastings particularly, such apology could not be listened to, because it was thought a defence founded upon legal objections in all its stages. He did not mean to condemn their attendance at present as any way culpable. He meant only to shew that their non-attendance on the former occasion ought to be looked upon as a dereliction of their duty. Probably the annals of the country could not furnish an instance of an important public prosecution being carried on without the concurrence and countenance of the great law officers of the crown; and he was sorry to witness a disposition in them to interfere only when their interference was likely to check, rather than assist, those who had the public justice of their country at heart.

Mr. Fox concluded by saying, that if the House should be of opinion to proceed to the punishment of the printers, he thought it much more advisable, and much more becoming their dignity, to order the attorney-general in their own name to commence the prosecutions, than to go up to the throne with an address to that effect. After what they had seen, at a period not very remote, what assurance could they have that the address would meet with due attention? Considering how the addresses of that House had been treated on former occasions, how could they flatter themselves that the right honourable gentleman opposite to him would counsel his majesty to comply with their request? This was a consideration that merited attention, not that he thought the minister would be at all inclined to withhold his consent on this occasion, or

to advise the crown to reject the address of the House of Commons in any thing which did not thwart his own ambition, or counteract any of his favourite measures.

The first motion being agreed to, the House divided on the second, viz. "That an humble address be presented to his majesty, humbly desiring his majesty that he will be graciously pleased to give directions to his attorney-general to prosecute the author or authors, the printer or printers, and the publisher or publishers, of the said libels, in order that they may be brought to condign punishment for the same."

	Tellers.			*Tellers.*	
YEAS	Mr. W. W. Grenville Mr. Rolle	109.	NOES	Mr. Adam Sir J. Erskine	37.

So it was resolved in the affirmative.

MR. FOX'S COMPLAINT OF A PAMPHLET RESPECTING THE IMPEACHMENT AGAINST MR. HASTINGS.

February 14.

MR. Fox rose, and begged leave to remind the House that its attention had been very lately called to a complaint against a libel, and that, on that occasion, the right honourable gentleman who had stood forward to desire them to punish a breach of their privileges, had, in the course of his speech, observed, that it had been generally thought, that when a libel on individuals was issued and published, it was most wise to pass it over without notice, unless the case were of a very flagrant nature indeed; but, the right honourable gentleman had expressed great doubt whether a similar line of conduct was proper to be pursued when a libel was published against the House of Commons collectively, and against their honour and dignity as a branch of the legislature. To these opinions, Mr. Fox said, no man could more fully subscribe than himself; but there was a possibility for a case to arise, equally, if not more strong, than that of the third case stated by the right honourable gentleman; namely, that of Sir Elijah Impey, a man answering at their bar to accusations, and claiming the protection of the House. To that claim the House, undoubtedly, did right to pay attention, because to have denied it, would have been to all appearance a refusal

of justice, where justice was indispensably due. The still stronger case, to which he alluded, had not been stated by the right honourable gentleman on Friday last, and indeed it was not possible for it to have offered itself as any part of the right honourable gentleman's argument. It was that of a libel on a committee appointed by the House to conduct a prosecution by impeachment, and consequently a prosecution of the most grave and solemn nature, because it put the person accused upon his trial before the supreme and most august tribunal recognized by the constitution, namely, the high court of parliament.

The minds of gentlemen having been so lately roused to an attention to libels, it was reasonable to suppose that they had considered the subject much more fully than, for a long time past, they had accustomed themselves to do. He trusted, therefore, that the complaint he had to state would not be deemed trivial in its nature; and as the House could never wish it to be understood, that they were eager to punish libellers of one party, but unwilling to punish libellers of another, and as he was sure the House felt no such sentiment or desire, he was persuaded the House coincided in opinion with him, that it was incumbent on them to teach the libellers of their proceedings, in a matter of the most serious and important nature, that when a complaint was made of their publication, and that publication was found to deserve punishment, they would not suffer it to escape.

Mr. Fox now observed, that a pamphlet had been put into his hands, which, although it had escaped his notice, he understood had been published nearly a fortnight. It contained a gross and scandalous libel on the committee appointed by that House to manage the prosecution of Mr. Hastings, as well as a libel upon the House itself, upon his majesty, and upon the whole legislature. With regard to the reflections on himself, personally, and on his friends, who were members of the committee, he certainly did not, on that account, stand forward to complain of the pamphlet. It likewise, in terms of great licentiousness, made free with the right honourable gentleman opposite him, but the right honourable gentleman, he was persuaded, would not expect it from him, that he should state that it was on that account that he complained of it to the House; undoubtedly it was not. The true cause of his urging a complaint against the pamphlet was, that it tended to degrade that House, his majesty, and the House of Lords, in the eyes of the public, and to hold forth the whole legislature as acting upon base and improper motives on a subject, in which, of all others, it behoved them to act on the purest principles, and with the strictest regard to impartial justice.

That the House of Commons had done so was well known, and that the other branches of the legislature would govern themselves by the same purity of motive, there could not exist a doubt in any man's mind. The House ought not, therefore, to suffer it to be insinuated from the press, pending the proceeding, that the contrary was either likely or probable.

Having thus generally stated the ground of his complaint, Mr. Fox observed, that he held the pamphlet of which he complained in his hand, and although he would not aim at entertaining the House with reading such parts of the publication as were more remarkable for their absurdity of argument than for their libellous tendency, he would just read those passages that contained libellous reflections, of the nature he had already stated. He now read the following passage: "Such an exertion of public virtue (the impeachment of Mr. Hastings) if to public virtue it shall be referred, is indeed 'above all Greek, above all Roman fame,' and will furnish a memorable example to future times, that no station, however exalted; no abilities, however splendid; no services, however beneficial or meritorious; that not even the smile of the sovereign, nor the voice of the people, can protect a British subject from impeachment, and a public delinquent from punishment, if found guilty." Mr. Fox commented on this extract, and said, it was beyond all doubt highly indecent to impute it to that House to have been governed in their impeachment of Mr. Hastings by so improper a motive, as a design to thwart the wishes of the sovereign. The House had not entertained any such design, nor was it known, in modern history at least, that the House had ever acted on so unbecoming a principle.

Mr. Fox next called the attention of the House to the following quotation: "Will accusations built on such a baseless fabric, prepossess the public in favour of the impeachment? What credit can we give to multiplied and accumulated charges, when we find that they originate from misrepresentation and falsehood? The decision of the House of Commons on the Benares charge against Mr. Hastings is one of the most singular to be met with in the annals of parliament. The minister, who was followed by the majority, vindicated him in every thing he had done, and found him blameable only for what he intended to do; justified every step of his conduct, and criminated his proposed intention of converting the crimes of the zemindar to the benefit of the state, by a fine of fifty lacks of rupees. An impeachment of error in judgment with regard to the quantum of a fine, and for an intention that never was executed, or ever known to the offending party, characterises a tribunal inquisition rather

than a court of parliament. The other charges are so insignificant in themselves, or founded on such gross misrepresentation, that they would not affect an obscure individual, much less a public character. They are merely added to swell the catalogue of accusations, as if the boldness of calamity could ensure its success, and a multiplicity of charges an accumulation of crimes. Thirteen of them passed the House of Commons not only without investigation, but without being read; and the votes were given without inquiry, argument, or conviction. A majority had determined to impeach; opposite parties met each other, and jostled in the dark, to perplex the political drama, and bring the hero to a tragic catastrophe. If to all the metaphysical misdemeanors which have been imputed to Mr. Hastings, he had added one real crime; had he thrown his weight into the scale of opposition, and violated the principles of duty and allegiance which he has ever maintained to his sovereign, the same broad shield of patriotism which protected American delinquents, would have covered the governor of India from every hostile attack. Has attachment to principle, has loyalty to the sovereign, become such a crime as to cancel the merit, and obliterate the service of thirty years?" On this occasion Mr. Fox remarked, that Mr. Hastings was represented as being prosecuted on account of his loyalty to his sovereign; but in what did that loyalty consist? Could the man who had abused his authority, and disobeyed the orders of those under whom he acted, be said to be loyal? He would just read one more passage, which shewed, that the author was not only an advocate of Mr. Hastings, but of tyranny in general: "It is on this principle that the royal family of Stuart have been fully vindicated by the retrospect of history, and justified to the conscience of mankind." Mr. Fox added, that he was far from meaning to say, that the pamphlet-writer's account of the right honourable the chancellor of the exchequer's speech was at all correct. He read the passage merely to shew the sort of construction that the author had thought proper to put upon the proceedings of that House. Mr. Fox contended that the libeller, in this pamphlet, not only imputed to a particular party a degree of power and influence over that House, which the event of almost every day's proceedings sufficiently manifested that they did not possess, but held it out to the world, that loyalty to the sovereign was a leading cause for that House to proceed to impeachment. The imputation in the latter point was not only false, as an imputation, but false in every other respect, because, if a man sent out to India, clothed with authority and extraordinary powers, chose to debase that authority, to misdirect those

powers, and by his conduct to sully the character and degrade the dignity of the British nation, he not only could not be said to have acted with loyalty to his sovereign, but was in fact the most disloyal subject that could possibly be described.

Mr. Fox said, he was rather at a loss what motion to make, as to the mode most proper for the House to adopt for the punishment of the libeller. His doubts remained in full force with respect to the mode chosen by the House for the punishment of the libellers complained of on the preceding Friday. He thought then, as he had on that day declared it to be his opinion, that the way proposed by the right honourable gentleman who had made the motion to prosecute by the attorney-general, was an improper way of proceeding. It might not be so improper in the case of the complaint he had stated. The former libel was of a peculiar kind. Excepting its being an improper interference with the proceedings of that House, and therefore a breach of privilege, it contained scarcely any thing at all libellous. In regard to the pamphlet from which he had read extracts, it was of the most pernicious tendency, being a gross attack on that House, on the House of Lords, on his majesty, and consequently on the whole legislature. It was, therefore, in the truest sense of the words, a public libel, and for that reason a prosecution by the attorney-general might be the most proper mode of proceeding to punish; but, entertaining still the opinion that he did of the mode adopted by the House last Friday, and which, in point of fact, he was warranted to consider as the mode most approved of by the House, he would leave it to those, who were likely to be in possession of the opinion of the House, as to the mode of punishment most proper to be pursued. He then delivered in the pamphlet, which was intitled, "A Review of the principle Charges against Warren Hastings, Esq." Printed for John Stockdale, Piccadilly," and moved, "That the said pamphlet contains passages highly disrespectful to his majesty and to this House, and indecent observations reflecting upon the motives which induced this House to prefer the impeachment against Warren Hastings, Esq., late governor general of Bengal."

Mr. Pitt agreed that the pamphlet contained libellous matter, but suggested the propriety of suffering it to remain on the table for a day. Mr. Fox concurred in the propriety of the suggestion, and therefore moved, "That the said complaint be taken into consideration on the following day." When Mr. Pitt proposed an amendment to the motion, by leaving out the words "his majesty, and."

The motion, as amended, being agreed to, Mr. Fox immediately rose, and declared that he still entertained his opinion, that unless in cases of public libel, or of a libel on the government at large, or legislature collectively, he did not think it becoming in that House to resort to the crown lawyers, as the instruments of prosecuting libels affecting themselves, interfering with their proceedings, or implicating a breach of their privileges. He then moved, " That an humble address be presented to his majesty, humbly desiring his majesty, that he will be graciously pleased to give directions to his attorney-general, to prosecute the author or authors, the printer or printers, and the publisher or publishers, of the said pamphlet, in order that they may be brought to condign punishment for the same." The motion was agreed to *nem con.* *

East India Declaratory Bill.

February 25.

DURING the apprehensions, which had existed in the course of the last year, of a rupture with the court of France, government had taken a resolution of sending out four additional regiments to India, on board the company's ships, for the protection of our possessions in that quarter; and the proposition had been received with general approbation by the court of directors. But in the mean time the storm having blown over, and government still adhering to their resolution of sending out the four regiments, with a view to form a permanent establishment of his majesty's troops in India, a question had arisen respecting the expence of sending them out, and of their future payment. By an act, which passed in the year 1781, it was stipulated, that the company should be bound to pay for such troops only as were sent to India upon their requisition, and upon this act the directors had refused to charge the company with the expence of the troops in question. But it was contended by the board of controul, established in the act of 1784, that the commissioners of

* On the 9th of December 1789, the trial of Mr. Stockdale for the said libel came on in the court of king's bench, before Lord Kenyon. After a trial of three hours, the jury withdrew for about two hours, when they returned into court with a verdict, finding the defendant not guilty. Mr. Stockdale's defence was entrusted to Mr. Erskine, who upon this occasion is acknowledged to have delivered one of the most able and eloquent speeches that was ever heard in a court of justice. See the speeches of the Honourable Thomas Erskine (now Lord Erskine) when at the bar, on subjects connected with the liberty of the press, and against constructive treasons, Vol. 2. p. 205.

that board were invested with a power of directing, in case of a refusal of the company, such expence to be defrayed out of the revenues arising from their territorial possessions. Upon this case the court of directors had taken the advice of several eminent lawyers, who were of opinion that the board of control was not invested, by the act of 1784, with the power contended for; and the directors had accordingly refused to take the troops on board the ships that were about this time to sail for India. Upon this ground Mr. Pitt moved, on the 25th of February, "That leave be given to bring in a bill for removing any doubt respecting the powers of the commissioners for the affairs of India, to direct that the expence of raising, transporting, and maintaining such troops as may be judged necessary for the security of the British territories and possessions in the East Indies, should be defrayed out of the revenues arising from the said territories and possessions."

Mr. Fox declared, that he had no scruple to affirm, that he was ready to give his negative even to the motion for leave to bring in the bill proposed, on the principle that sufficient ground had not been laid before the House to prove the necessity for any such bill. The right honourable gentleman well knew that the opinions of counsel upon an existing act of parliament was not a fit ground for the introduction of a declaratory bill. If such opinions did form a fit ground for any such bill, there would be no end to passing declaratory laws, because as counsel generally differed in their opinion, there was not an act on the statute book as to the construction of which different opinions would not be given. Declaratory act upon declaratory act would, therefore, be passed and multiplied *ad infinitum*. Where the judges had expressed a doubt of any law from the bench, and a judicial opinion had been delivered in court of the construction of a statute, that was held to be a fit ground to introduce a bill to explain and amend such statute, but no other ground ought to be taken. Mr. Fox farther observed, that the chancellor of the exchequer had himself declared that the bill of 1784 was sufficiently explicit to render any declaratory bill unnecessary, and yet he had followed up that declaration with moving to bring in the very sort of bill, which he had given it as his opinion was unnecessary. This was treating the opinion of the right honourable gentleman's two learned friends rather cavalierly, because it was to act upon the opinion of those who had professed to entertain doubts of the construction of the bill of 1784, and to pass by the opinions of the attorney and solicitor general against there being any ground for doubt, as opinions of little importance. He stated the difference which he conceived to exist between the bill of 1784, as now explained by the chancellor of the exchequer,

and the India bill which he himself had brought into the House, and about which so much had been said within those walls. By his bill, he meant to suspend for a time the powers of the court of directors, and to lodge them in certain commissioners nominated by parliament, and not removable at the pleasure of the crown; except in consequence of an address from either House of parliament. But the India bill of the right honourable gentleman empowered his majesty to appoint a board of superintendency and controul removeable at his pleasure.

Mr. Fox remarked, that the India bill which he had the honour to propose was so offensive to the right honourable gentleman that he had exhausted upon it every epithet of obloquy which the English language could afford, describing it as a violation of chartered rights, and a most illegal and unwarrantable assumption of all the powers of the directors. For the first time, it had that day been ventured to be publicly avowed, that the right honourable gentleman's India bill put the commissioners of the board of control in possession of all the powers of directing the military and political concerns of India, and of collecting, managing, and applying of all the revenues of India, which the court of directors enjoyed previous to the passing of the act of 1784. The right honourable gentleman's bill, as it was now explained, vested the privileges of the East India company, with respect to the management of their own affairs, for ever in the immediate servants of the crown, who were removeable at pleasure. The right honourable gentleman had declared the authority of the board of control to extend to the application of every shilling of the company's revenues, but it left the directors in possession of — what? The management and direction of the commerce — the direction of that which could not exist, but at the pleasure of the board of control! If the board should think proper to apply the whole revenues of India to the maintenance of troops, or to any other purpose, what would remain for making an investment? Nothing. The directors were, therefore, left in possession of power to manage where there might be nothing to manage — to direct a commerce without the means of supporting it. If this was not annihilating every right of the company, he knew not what was annihilation. But such appeared to be the right honourable gentleman's regard and veneration for chartered rights at the time of passing the bill, that the bare mention of violating or infringing them was not to be endured. He appealed to the recollection of every member present, whether in the present or the former parliament, such an explanation of the meaning and extent

of the right honourable gentleman's bill had ever been suggested by those who supported it, as he had now himself given? In conclusion, Mr. Fox recurred to his former position, that the motion ought to be negatived, because no fit ground of the necessity of a declaratory bill had been mentioned, even distantly, during the whole course of the debate.

Leave was given to bring in the bill.

March 5.

The motion for going into a committee on the bill was opposed by Sir Grey Cooper, Colonel Barré, Colonel Fullarton, Mr. Sheridan, Mr. Bastard, Mr. Pulteney, and Mr. Fox; and supported by Mr. John Scott, Mr. Pitt, Mr. Grenville, and Mr. Dundas.

Mr. Fox in a most powerful speech concluded the debate. He began by charging Mr. Dundas with having spoken for three hours and a half, without having said any thing to the question. He then ridiculed that right honourable gentleman's mode of defending the board of control from the charges of different attempts to interfere with the patronage of the company; declaring, that what the right honourable gentleman had himself said, rather proved the charges. According to his own account, the board, instead of exercising its proper functions, had assumed those of the court of directors. Mr. Fox, with great humour, explained, why he understood this. He then warmly combated Mr. Dundas's arguments in defence of the measure, and contended that it was a direct endeavour to take into the hands of the board of control all the powers and patronage of the East India company. He spoke of the nomination and appointment of Lord Cornwallis and Sir Alexander Campbell, and said it was well known whose nomination and appointment both of them were. He drew a parallel between his bill and that of Mr. Pitt, avowing that his design had been openly stated to be a design to suspend the rights, functions, privileges, and patronage of the court of directors for four years, and to lodge them in a board of commissioners, thinking it more safe experimentally to place the influence arising from the exercise of such powers, where there was no other influence, rather than to add it to the influence of the crown, where so much influence was already placed. He stated that all the proceedings of this board were to be open, and in the face of day, thinking the publicity of all their proceedings

the best check that could possibly be devised to counteract the degree of influence they were necessarily to possess. The ground of his bill, as stated in its preamble, was gross abuse of power, and an incapacity to retrieve the affairs of the company. Both the one and the other were now fully admitted. The professed ground of Mr. Pitt's bill had been the consent of the court of directors. That ground was obtained originally on false pretences, and was now done away completely by the conduct and avowal of the directors themselves. He thanked Mr. Bastard and Mr. Pulteney for their able and impartial support of that day. The speech of the latter, he said, did that gentleman the highest honour, since while he disapproved the measure, he had with liberality and candour done full justice to the ability and industry of the chairman of the board of control, and those abilities of the chancellor of the exchequer that were, he said, known and admired all over the world. He mentioned that it had been understood that Mr. Pulteney was the author of a very able pamphlet against his bill, that had done him much prejudice in the eyes of mankind. In that pamphlet the assumption of the patronage of the East India company was chiefly contended against. It was therefore peculiarly consistent and fair in the honourable gentleman to oppose the declaratory bill on the same principle. To Mr. Pulteney, he said, he was under many political obligations, but he must renounce even that gentleman's valuable support and countenance, if given him under the idea that he retracted his error, as it was called, or apologized for his India bill in any the smallest degree: it ever had been, and ever would be, his pride and his boast: and as that day had wiped away much of the odium of it, he did not doubt but the period would arrive when the prejudice of the public would be cleared completely, and it would be regarded in its true light as a strong, but as a necessary and a just measure. He reprobated the declaratory bill as an insidious attempt to assume the same powers that his bill would have given to his board of commissioners, but in a manner less open and much more dangerous to the constitution. — He said it was the boast of our laws, that the meanest individual was, in a court of justice, upon a level with the highest, his rights being equally protected. It was the boast of our laws, that the first law officer of the crown could have no undue influence or unfair advantage over the lowest character in the kingdom. It was the boast of our laws, that the influence even of the prime minister of the kingdom had no avail over the most helpless individual. It was the boast of our laws, that the king himself had no influence which could prejudice the right of the subject in

a court of justice. But the case was otherwise with declaratory bills. A declaratory bill, when it explained the rights of individuals, was not so dangerous; but, in this case, the king was party. Here there was a dispute between the crown and an individual upon a pecuniary principle: the king insisted upon a certain sum of money for the carrying on a trade under a charter. The company admitted a sum of money to be due, but not the amount demanded; here there was a clear and unequivocal fact on which an issue might be tried. Why not, then, try the fact in a court of law? "No," says the minister, "in a court of law I have no influence — in the House of Commons I have." This was evident oppression on the subject, and therefore he trusted there was virtue enough in the House to resist the farther progress of the bill.

The House divided on the motion, that the Speaker do leave the chair. Yeas 182: Noes 125. So it was resolved in the affirmative.

March 7.

On the motion for bringing up the report of the bill, Mr. Pitt declared, that, for the purpose of having farther checks, to prevent troops being sent to India without the approbation of parliament, and to prevent the improper application of the territorial revenues, he should move for its re-commitment, and that the committee should be instructed to receive clauses for the said purposes.

Mr. Fox remarked that, pledged as he was to oppose the present bill in all its stages, he trusted the necessity of his now claiming the attention of the House would be obvious without a comment; nor could it appear to him necessary to say a single syllable by way of apology for rising. He then entered into the merits of Mr. Pitt's India bill. There were two points in which it should be principally considered: First, Whether it was what the chancellor of the exchequer had asserted it to be at the time of passing it — a bill to regulate the government of India, to protect the territories there, and to preserve inviolate the charter of the East India company? Secondly, Whether it was what it was now asserted to be; and if so, what would be its effect? To the first part Mr. Fox would apply but a short observation; for if it had been what the minister on passing it thought proper to call it, then it would have been inefficient, nugatory, and useless; for he had always asserted, and did now assert, that it was impossible to preserve entire and inviolate the charter of the East

India company, and to save our territories in India eventually from ruin. This was his opinion when he introduced his own bill; this was his opinion at present; and, therefore, he should be a consummate hypocrite were he to avow the contrary. He introduced his bill with this avowal. It produced alarm, and was in another House rejected. What means were used to obtain that end he should not now enter into the detail of. He believed the best panegyric ever pronounced on his bill, had just been delivered by the chancellor of the exchequer himself, with those round and finished periods of fluent diction, and that happy arrangement for which he had always been eminently distinguished. It is with peculiar pleasure (said Mr. Fox,) that I have heard — for I must have been gifted with extraordinary feelings indeed if I had not been peculiarly gratified at hearing — a complete and able defence of almost every principle of my own bill from the mouth of the right honourable gentleman: at hearing almost the whole of that measure maintained and supported with an irresistible eloquence, and in a flow of language peculiar to himself. It will now no longer be clamoured through the country that I am the violator of chartered rights, or the usurper of the powers of the India company. Had the right honourable member acted in the same open and fair way in 1783, all that abuse which I have sustained, all that clamour that has been excited, all that popular phrenzy which disgraced the kingdom from one end of it to the other, never would have been provoked. He would then have said, "You take away the company's charter; there I am with you; the flagrant abuses the company have made of it could not have been put an end to unless you did so! You suspend all their rights; there again I am with you; the suspension is necessary for their salvation! You assume the complete management and control of all the company's affairs civil and military, and the disposition and application of all their revenues; in all this you do right; such an assumption is requisite to give effect to your system! But you put these powers into the hand of a board of commissioners appointed by parliament; there you do wrong, and there I am not with you. I contend that a board of control, appointed by the crown, is the proper board to entrust all these powers with." Upon that single point ought to have rested the whole dispute, for that is the only essential difference between the two bills.

The popularity which that right honourable gentleman had obtained in consequence of his conduct towards the East India company, would surely no longer be peculiarly his own. All sides of the house had at last agreed, and it was pretty gene-

rally understood by the public, that an India bill must be had, which would take the charter of the East India company out of their sole and exclusive dominion. The right honourable gentleman would now, he trusted, desist from using those sonorous clamours against the violation of the sacred and chartered rights of the East India company; those calumnies and that abuse of men whose principles were too violent and daring to be entrusted with the management of the complicated and deranged state of our extensive Indian territories; for if he should still continue those clamours he would become himself the prominent character—the leading feature of his own calumny—the very hero of his own tragedy; for he had not only taken away, or now intended to take away, the charter of the East-India company, but had done it with violent hands, and had given it to persons of all others the most unfit to retain it.

To the first part or description of the right honourable gentleman's bill, namely, that it was designed to save India, and to preserve inviolate the charter of the East India company, sufficient had been said. Agreeing, therefore, with the right honourable gentleman, that the charter should be by some means taken away; agreeing that the flagrant abuses of the company made that violent step necessary; agreeing that the state of India required the immediate interposition of parliament, and that a suspension was necessary; that the management, civil and military, of the affairs of India, should not be entirely in the hands of the directors; that the revenues and commerce should be under some control; agreeing, he said, in all this, the question would naturally turn to a simple fact—Into what hands will you entrust the affairs of India? This led Mr. Fox into a view of his own bill. It was true he had suspended the charter of the East India company; it was true he had changed the conduct and the management of their affairs, and taken them out of the hands of the directors; it was also true he had avowed this publicly at the time of his bill passing that House. Had he thought proper to conceal his meaning, and, like the chancellor of the exchequer, have pretended by any equivocal clause to preserve the charter, he should have met with no opposition. By his bill, the conduct of India was to be entrusted to persons immediately under the control of parliament, to whom they were declared to be responsible; and this, if it added to the power of any part of the legislature, gave it where the use of it was least to be dreaded. He should not detain the House any farther on the merits of his own bill; for, indeed, it had been well explained already, and its principles could never appear to better advantage than when com-

pared with the declaratory bill which the minister wished to be accepted by that House.

Mr. Fox then entered into the merits of the present declaratory system, as he termed it, for bill it could not be. It assumed more power and patronage than, he hoped, any bill in that House would ever create; it assumed the whole, sole, and exclusive right to apply the revenues of the East-India company; it gave this entirely to the crown, for it gave the sovereign the right of calling on a private company of merchants to defray the expences of his military force; it was calculated to ease the half-pay list at the expence of the East India company, instead of the general expence of the whole kingdom; it gave power, patronage, and all its concomitant advantages, to the board of control, without annexing to it that which was the first and best of all checks against despotism—responsibility. It had been said that there was no patronage by the present bill. What, no patronage by the absolute and uncontrolled disposal of eleven million a year! Would ministers add insolence to their absurdity? Would they dismiss decency of assertion, and expect the House to forget the general and obvious maxims of common sense, that power and patronage were inseparable; that patronage and influence were inseparable; and that influence and corruption were, in a degree much to be lamented, also inseparable? Away with such gross, such stupid, such palpable absurdity!

He then came, he said, to that part of the right honourable gentleman's speech which he perceived had a conciliating effect at the moment upon the minds of some of his auditors. He had said, "Such is my desire that this measure should be fully investigated, and that all points should be guarded that may seem to tend to increase the prerogative of the crown, that let any member of this House state his objections to the present bill, as to the tendency to patronage, let him produce a clause by way of check against the influence he fears; and from whatever quarter of the House, from whomsoever it comes, that man who produces to me such a measure, in whatever language he may convey it, whether with severity to myself personally, or with the mildness of kind and temperate advice, is substantially my friend." These words, taken literally, and without their context, which had been carefully concealed, would appear bewitching; but as the minister had chosen to hide his own meaning under a fair and specious promise, which in fact meant nothing, Mr. Fox said he would take off the veil, and shew the House its real meaning. It was this: "Give me the absolute uncontrolled power of India in my hands, and then you shall have as

many checks as you please — a check upon absolute power— a check upon uncontrolled dominion." This was exactly like the right honourable gentleman's conduct on another view of the present question, namely, when he first claimed the whole revenue of the East India company, and gave them the surplus—the surplus after the whole was taken! the remainder a blank!" Mr. Fox declared that he should complain if he was charged with stating monstrous cases; for nothing was supposed too monstrous against his own bill. Indeed, the fact was as he had stated it. The board of control might apply the whole of the revenue, under colour of paying for the protection of the territories. It had been asserted that the board of control had not the right of nominating officers. That was true; but had they not the disposal of the revenue, and would it not be absurd to suppose that they could not, in a mild, insinuating manner, recommend?—and was it difficult to believe that the recommendation of such persons would be noticed? We knew too well the difficulty, nay, the impossibility of obtaining any nomination whatever, without a connection with, and the countenance of, men in power. It had been always so, and would continue for ever so: the very nature of all government admitted of no other mode of regulating its concerns. So much for their possessing no right of nomination. The board of control had the astonishing right of levying war in India without the consent of his majesty; and, therefore, they could never want an excuse for applying the whole of the revenue towards the defence of the territories. They had the whole power and authority of governing India upon the very worst of all terms, as applicable to the interest of the East India company—as applicable, indeed, to the interest of the state. They had the power without the responsibility; for should any officer who held the command in India act in such a manner as to destroy at once the whole of our possessions in that extensive portion of the globe, the board of control were not responsible; for they had not formally, although they had in effect the nomination of such an officer; in short, it was scarcely possible to name a power more absolute, and of a tendency more destructive.

He next took a view of the commercial point which the present question involved. It had been asserted that the board of control did not interfere with the commercial interests of the company. If he had been truly informed, this assertion was false in fact; for he had been told that no commercial dispatch could be sent to India without the signature of the board of control. He desired ministers to correct him if he did not state the fact truly. He paused for an answer; but no answer being given, he took the fact to be as he stated

it — and said that there was an end then to the boasted liberty of the commerce of the East India company. He came to the point of law arising on the present case, and insisted that a declaratory bill could not constitutionally pass to supply any omission; for it would be declaring on that which never existed. He must now touch upon the last and greatest charge that had ever been exhibited against him, in the warmth even of any speech delivered in that House. A right honourable gentleman had said, that he had by his India bill endeavoured to pluck the crown from off the head of the sovereign. Such language, if it could be applicable to any man or set of men in this kingdom, was more descriptive of the ambition of others on a different side of the House than of himself. When had he acted, or conducted himself, as if he might be supposed to have the seeds of disloyalty in his mind? When had he endeavoured to check the just prerogatives of the crown? He knew too well their value, and he had no occasion to wander out of his own disposition, by endeavouring to destroy the just prerogatives of the crown. Ministers were determined to give him sufficient employment in watching their daring attempts to exercise prerogatives destructive of the interests and subversive of the rights of the people; and in preventing, if possible, their creating new prerogatives. There were, indeed, some prerogatives which derived their value from being rarely used, and while we heard pompous and declamatory speeches in defence of the prerogatives of the crown, did not let us at once forget the privileges and the rights of the Commons. It was not by endeavouring to destroy the one, that we were to preserve the other: they ought to go on in harmony and unison; and when they clashed and were discordant, then, indeed, should we be in real danger. Those who had poisoned the royal ear, by insinuating that there was but one side of the House of Commons loyal to their sovereign, were themselves, in fact, enemies to the constitution. The minister, he said, had forfeited the confidence of the House; he had been detected in a fraud upon it; he had been detected in bringing in a bill under false pretences; he had been detected in endeavouring to pass, hastily, a bill, to declare what never existed; but, when he found the House awake, and determined to stop his career, he then assumed an air of candour, and wished gentlemen to bring forward their objections. Much better would it be for the right honourable gentleman at once to confess his error, withdraw his bill, and bring in a new one, adequate to all the purposes of saving India, and also the commercial interests of the company.

The motion for bringing up the report was carried, on a division, by 182 to 115; and on the 14th of March the Bill was read a third time and passed.

MR. FOX'S MOTION FOR THE REPEAL OF THE SHOP TAX.

March 13.

PETITIONS against the shop tax were again presented early in the present session, by the cities of London and Westminster, and several other towns and corporations; and Mr. Fox was again requested to support their cause in the House of Commons. Accordingly, this day, in pursuance of the notice he had given,

Mr. Fox rose, to make his promised motion for the repeal of the tax. He observed that it was not his intention to take up much of the time of the House in going over the arguments formerly urged against the tax. Of those arguments every member of the House was in complete possession, and they would now be recollected with additional weight, as that which before might have been considered by some as a sort of hypothetical reasoning, had now been confirmed by experience. The original argument against the tax was, that it was not a general tax which affected every member of the community equally, but a partial and oppressive tax that bore only on a particular body of men. In answer to this, it had been urged, that the shopkeepers would be able to levy the amount of the tax on their customers, and by that means shift the burden from their own shoulders to those of the consumer. Experience had proved the complete fallacy of this argument, and shewn that the shopkeepers alone were affected by it, without a possibility of levying it on the community at large. If they could have done this, how were they to effect it? Undoubtedly, by raising the prices of their respective commodities in proportion to the amount of the tax. But, had they done this? He defied any man to shew that there was the least degree of coincidence between the tax and the rise in the price of goods. If, then, there had been no rise in the price of goods, the tax was borne by the shopkeeper only, and not by the community at large.

And yet, in this instance, although he was ready to admit that, in all cases, the opinion of the persons to be taxed was not a sufficient ground of objection to a tax, the opinion of the

shopkeepers themselves was a strong and a convincing argument against the tax. Had they been able to raise the price of goods to the full amount of what they paid, they would not have stopped there. They would have added something more; and having thus converted into a means of profit what they at first exclaimed against as a burden, their complaints would have been at an end: they would have acquiesced in the tax as a thing which was not merely a burden, but an instrument in their hands of considerable advantage. Had this been the case? Had their complaints against the tax ceased? Were they not now as loud and as earnest in their remonstrances against it as they had been at the first moment of its being proposed? The present application, the petitions on the table, and the motion which he was now instructed by his constituents, the inhabitants of Westminster, to make, shewed that they were. And, would any person maintain such an absurdity as that they desired the repeal of a tax from which they derived a profit?

Such were the general grounds on which the impolicy and oppressive tendency of the tax had been formerly argued. There were now some which might be considered as new grounds. In the first place, there was a petition from the commissioners appointed to collect the tax, stating that they found from experience that it was a personal rather than a general tax, and that they were unable to levy it, according to the tenor of the act, without oppression to individuals. The case of the bankers was a striking proof of this. Had they any means of levying the tax on their customers? Or were their profits greater now than they were before? Another reason was its total inequality, and that it fell heavier on the lower class of shopkeepers than on the more opulent, and that a man who had less business and a less capital, being assessed according to the rent of his shop, paid more than a man whose capital was larger, and his trade more extensive. It frequently happened that a person, for the sake of a shop to carry on his business, was obliged to take a large house, for no part of which he had any occasion but the shop. This person was assessed, not according to the rent of the shop, which was necessary to his business, but the rent of the house, which was not necessary. In answer to this objection it had been said, that such person might levy part of the tax upon his lodgers. But how was this to be done? The shop in the first instance was no recommendation to lodgers, but the contrary; and if he attempted to raise the price of his lodgings, his neighbour, who had no shop, and consequently did not pay the tax, would effectually prevent him by a competition. In this point of view he challenged any man to shew that it

was not partial and unequal, and that, contrary to the operation of every wise and judicious tax, it did not fall heaviest on those who were the least able to bear it.

Mr. Fox said he was in possession of some particular instances which he would state; and in what he was going to mention he desired to be understood as not meaning to say that the grievance was not felt in as great a degree in other places; for, undoubtedly, the unequal and oppressive tendency of the tax was not local. In the city of Bath, a poulterer paid 19s.; in the same street, and but a few doors distant, another poulterer, whose capital was not near so large, nor his business near so extensive, paid 5l. 4s. If this man were to attempt to reimburse himself by raising the price on his small trade, what would be the consequence? His customers would leave him, and go to his neighbour, who, with a large trade, and paying a tax comparatively next to nothing, would be under no such necessity of raising his prices. In the same city, and in the same street, one silversmith paid 4l. another 8l. and a third 8l. 5s. The reason of this inequality was, that the tax was not, what it professed to be, a shop tax, but a tax on houses.

Upon the whole, as the discontents on account of the tax had not decreased, but had gradually increased as the operation of it had been more generally felt, and as it was absurd to suppose that any description of men would persist in their complaints against a measure which they did not feel to be a burden, he was convinced it ought to be repealed, and some other less partial and less oppressive tax substituted in its stead. For although he admitted that it was not a general rule for repealing a tax that there were complaints against it, yet, in such a case as the present, where the complaints were evidently well founded, as experience had shewn them to be, it would much better become the wisdom and the justice of the legislature to listen to them, than to disregard them. A report had lately prevailed, that it was the intention of the right honourable the chancellor of the exchequer to propose either a repeal, or such a modification of the tax as would obviate the objections which had been urged against it. This report he had never believed, and had always discountenanced, because, if it had been true, the right honourable gentleman, either when he gave notice of his motion or since that time, would have signified such his intention. If that had been done, he would have delayed his motion till he had heard what that modification was to be, or if it were done now, he would consent to withdraw it. Mr. Fox concluded with moving for leave to bring in a bill to repeal the shop tax.

On a division the numbers were,

	Tellers.			Tellers.	
YEAS	Mr. Ald. Sawbridge Mr. Ald. Newnham	98.	NOES	The Solicitor Gen. Mr. Rose	141.

So it passed in the negative.

CONDUCT OF THE ADMIRALTY RELATIVE TO THE PROMOTION OF ADMIRALS.

April 18.

BY an order of council, dated in the year 1718, and addressed to the lords commissioners of the board of admiralty, they are directed to proceed, in the promotion of officers to the rank of admirals in the navy, according to the seniority of such officers upon the list of captains, regard only had to their being duly qualified for the rank to which they should be promoted. By a subsequent order of 1747, the lords of the admiralty are authorized to superannuate such captains of long and meritorious service as shall be disabled from serving as admirals, by age or infirmity, under the title of admirals upon the superannuated list, or, as it is commonly called, the list of yellow admirals. In the promotion made by the board of admiralty on the 15th of September 1787, in which sixteen captains were promoted to the flag, upwards of forty captains had been passed over, the greatest part of whom had the offer made them of being put upon the superannuated list; but, conceiving themselves entitled, from their past, and their capacity for future service, to the rank of acting admirals, they refused the retreat that was offered them, and had endeavoured, but without success, to obtain their re-establishment from the board of admiralty. This partial promotion had occasioned a great and general disgust, and especially amongst the officers of the navy, who were alarmed to find that the expectations of reward for the longest and most meritorious service were to be dependent upon the caprice of the first lord of the admiralty; and it was therefore thought a proper subject for parliamentary animadversion. Accordingly, on the 18th of April, Mr. Bastard moved, "That it be referred to a committee to enquire into the conduct of the admiralty in the late promotion of admirals." As this motion went to a direct charge of ministerial misconduct against Viscount Howe, the first lord of the admiralty, and was free from the objection of interfering improperly in the functions of the executive government, it was necessary to meet it upon the distinct merits of the case. In support of the presumption of misconduct, Mr. Bastard stated the cases of Captains Balfour, Thompson, Uvedale, Shirley, Bray, and Laforey; and several others were mentioned in the course of the debate. In order to obviate the unfavourable conclusion which

these cases seemed strongly to support, it was argued by Mr. Pitt, in defence of the admiralty, that none of the circumstances alleged amounted to more than a negative proof, that the officers in question were not disqualified for the rank for which they contended; but that, where a selection was to be made (and that a selection was expedient would appear, not only from the uniform practice of the navy, but from the great expence and sundry inconveniences which would unavoidably result from an overloaded list of flag officers,) it was necessary that a discretionary power of making that selection should be lodged in the commissioners of the board of admiralty. He admitted that they were responsible to parliament for the use of that discretion, and that whenever a case was made out strong enough to warrant a suspicion of such abuses as deserved censure or punishment, it was the indispensable duty of the House to proceed to inquire. But he denied that such a case had been made out. It had not been alleged that there was any officer of incompetent merit amongst those who were promoted, on which a charge of partiality or corruption could be founded. It had not been asserted that the first lord was actuated by any malice or other sinister motive towards those who had been passed over, upon which he could be charged with injustice or oppression. The point to be decided by the House was, whether they could infer, from the statement of cases they had heard, that the judgment of the noble viscount, upon professional merits, was not to be trusted, but ought to be corrected by theirs? Such a case might undoubtedly occur; but he warned the House of the mischiefs that would inevitably arise from opening their doors, without the most palpable and urgent necessity, to the discussion of professional qualifications, and the arrangement of military promotions.

Mr. Fox said he perfectly concurred with the right honourable gentleman in the greatest part of his argument. No one held more sacred the power of the prerogative, with regard to the distribution of military honours and rewards, than he did; nor was any one more aware that the House of Commons was by no means a proper place for canvassing military promotions. So firmly had he ever been of this opinion, that had the honourable gentleman who made the present motion moved an address to the crown, he could not have voted for it; but the motion being a motion for a committee, he should vote for it; because it was the constitutional province, and the undoubted duty of that House, to watch over the executive departments, and, where they had cause to suspect abuse, to institute an inquiry, with a view either to censure or to punishment. At present, a striking case indeed had been made out, and he saw very strong grounds of suspicion that, in the late promotion to the flag, the first lord of the admiralty had acted, as it was truly said, with partiality and oppression; but to express it in the mildest term that could be applied to it, with caprice.

The right honourable gentleman had distinguished the sort of facts, on the truth of which the jut of the business lay, into two questions: the distinction was just, being whether Captains Uvedale, Thompson, and Balfour ought to have been promoted to flags, and whether Captain Laforey, holding a civil employ, could have been so promoted? For the sake of illustration, the right honourable gentleman had taken Captain Balfour to argue upon, because his merit was grounded on an action of the most brilliant kind, and he had put the question, whether at his time of life, and in his state of health, he was fit to be an admiral? Captain Balfour was stated by the right honourable gentleman to be an officer who had the good fortune to be able to shew that bravery which he possessed in common with others. Did the right honourable gentleman mean to stigmatize other officers by so putting the case? To Captain Balfour's merit, however, with that felicity of expression which always, in an eminent degree, distinguished the right honourable gentleman, he had done ample justice, and spoke of an action, one of the most to be admired and the fullest of lustre that ever distinguished any officer, in terms of due respect, and with a just energy of description.

The whole of the first part of his argument was constitutional, manly, just, and such as, Mr. Fox said, he could subscribe to fully; but, in the progress of it, aware that pursuing the same fair line of reasoning would never answer the purpose of defending an opposition to a motion so undeniably proper, the right honourable gentleman had made a sudden turn, shifted his ground, and argued in a manner directly the reverse of that with which he began. If the bare question was put thus, Do you think Captain Balfour fit to be made an admiral, because he performed so glorious an exploit in the harbour of Louisburgh? Mr. Fox said, he should have no hesitation to answer directly in the affirmative, and say yes. But, if the other question was put, and he was asked, whether every captain who had merely negative merit as an officer ought to be made an admiral, he should answer no, with as little hesitation as he had before said yes; because the latter position was as clearly false as the first was true. The reason why he would make Captain Balfour an admiral was on account of the very description given of him by the right honourable gentleman; it was, because he had the singular good fortune to have given a successful proof of his extraordinary bravery, and his extraordinary skill in Louisburgh harbour; and the reason he would assign to the other captains for not making them admirals was, because they had not had the good fortune to distinguish themselves. If the present motion were not carried, the late promotion to the flag would operate as a

damper on the service, and do infinite mischief, by checking the ardour and quenching the spirit of our officers. It would be saying in direct terms to those who endeavoured to distinguish themselves, that they would do it to little or no purpose. It would be like addressing them thus: "Fight your ship bravely; do your utmost to prove your courage; sink, burn, and destroy; shew yourself an extraordinary good officer: we will commend you; you shall have the thanks of the king; you shall have the thanks of the House of Commons, and every distinction; but when the hour of promotion arrives you shall lose your rank, you shall have no flag, you shall stand degraded in the eyes of your profession, and you shall find that your fame is a mere bubble. But, if you have parliamentary interest, if you have parliamentary connections, if you can get a small fleet to command, you may then shew yourself a good officer with some prospect of reaping honour and emolument for your pains; if you are a member of the House of Commons, so much the better, your success will then be the more certain." He was aware, Mr. Fox said, that it did not always follow, that he who had shewn himself a good soldier would make an excellent officer; and he knew that a good captain might not always make a good admiral and commander. He was convinced that these things were possible; but the contrary presumption was strong; and it was more likely that he, who had distinguished himself greatly in one military situation, would also distinguish himself in another. The office of an admiral might be considered in two views; and the right view undoubtedly was to prospective service, and an eye to selection was most proper and justifiable. But it might be considered merely with a view to honours and rewards retrospectively and for past services. In the latter view the late promotion could not be defended a moment; because, so considered, it was most scandalously partial and unjust. He mentioned Sir John Lindsay as a proof that a view to prospective services had not solely governed the measure; because, though Sir John Lindsay's friends must ardently wish his recovery, they could not hope for it with any great degree of confidence. He paid Sir John's character encomiums, and said, if he could be swayed by personal feelings in his arguments, he should not have mentioned Sir John Lindsay, since he was a man for whom he entertained a very sincere friendship, and was, beside captain Laforey, the only naval officer with whom he lived in a very considerable degree of intimacy.

The right honourable gentleman, in the course of his speech, had taken no notice whatever of one case, that, in his mind, lay heavy on the first lord of the admiralty; and this

was the case of Captain Bray. The honourable gentleman who made the motion had told them that Captain Bray applied for his flag; that Lord Howe advised him, at his time of life, to give up his claim to rank; that he instructed him in what manner to apply for his superannuation; that Captain Bray abandoned his claim to rank in consequence, and applied for his superannuation, when he was told that it could not be granted him. A transaction so cruelly delusive deserved inquiry in that House. He wondered, therefore, after such a charge had been made in the House of Commons, that the friends of the noble viscount should feel it their duty to resist an inquiry, which could alone clear his character. They must have felt it a painful duty indeed, and the noble viscount must feel unhappy when he should know that such a charge had been brought against him, and that the means of probing it were denied. He wondered the right honourable gentleman had not felt this pointed circumstance.

Mr. Fox took notice of that part of the chancellor of the exchequer's speech, in which he had endeavoured to defend Captain Laforey's being passed by, while Sir Charles Middleton, standing precisely in similar circumstances, had received his rank. In going into so many minute details of dates in this part of his speech, and labouring at trifling distinctions, the right honourable gentleman seemed conscious that he had by no means been able to satisfy the House respecting a transaction so glaringly partial and unjust. The right honourable gentleman had admitted that there were three distinctions, upon each of which the case might be argued; first, that Sir Charles Middleton did not come within the rule, and that Captain Laforey did; but, in the first place, he would ask, was the commissioner of Plymouth yard, with a military commission besides, a post to be holden not as a military man? Mr. Fox mentioned the cases of Sir Richard Hughes and Lord Hood, who had both been commissioners; and though he would not, he said, compare the men, it was impossible not to see that the rule, as it was called, was as applicable to their case as to that of Captain Laforey.

He reprobated Mr. Pitt's argument to persuade the House that they were not competent to judge upon the partiality or impartiality of the late promotion: if it meant any thing, he observed, it went directly to the annihilation of the whole of the constitutional powers of cognizance and control of that House. In like manner, they might be told, when a complaint was urged against the conduct of a judge, "Do not inquire! What do you know of law? Leave it to the chief justice, and the courts below. They alone understand the subject." He could not help remarking, he said, that, on this occasion,

those gentlemen who were against appealing to the House of Commons were its members, and those who wished it were the military men themselves. He asked whether, by so many of them dividing in support of a recent motion, they seemed sorry that it came before parliament, and whether they had thereby manifested a wish that it had been referred to the decision of one man only, who would have opposed their own opinion? The right honourable gentleman had said, "Would any little inconvenience weigh against the mischiefs that might arise from the discussion of such matters in parliament?" Mr. Fox declared that he felt his share of concern that such questions should ever come under parliamentary agitation; but was the inconvenience likely to arise "little?" Was the casting a damper on the whole service of the navy; was the shewing that merit, however successful, however bright, however illustrious, however glorious in a captain, was no recommendation to the flag, a "little" inconvenience? He conjured the House not to set a precedent that would destroy all enterprise, but by agreeing to the motion for a committee, to restore confidence to the navy, and increase ardour by reviving hope in the breasts of its officers.

On a division the numbers were,

	Tellers.			*Tellers.*	
YEAS	Sir James Erskine, Captain Macbride	134.	NOES	Mr. Yorke, Mr. Steele	150.

So it passed in the negative.

ABOLITION OF THE SLAVE TRADE.

May 9.

THE trade carried on by this country, and other European nations, upon the coast of Africa, for the purpose of purchasing negro slaves, to be employed in the cultivation of the West India islands and certain parts of the continent of America, does not appear, till of late years, to have been considered with that general attention, which a practice so abhorrent in its nature to the mild principles of modern policy and manners might have been expected to excite. This may probably have been owing, partly to the distance of the object which tended both to conceal the sufferings and to lessen the sympathy of the public for the unfortunate sufferers; partly to the connivance of politicians, unwilling to examine too severely into the necessity of the means, by which distant colonies were enabled to pour luxury and wealth into the mother countries. The first public attempt that was made to put

a stop to this traffic, was by the quakers of the southern provinces of America, who, soon after the establishment of their independence, not only presented for this purpose a strong and pathetic address to their several legislative assemblies, but actually proceeded, as is said, in many instances to emancipate the slaves that were in their possession. The measures taken by the American legislatures, in consequence of this application, are before the public. In Great Britain the same sect appears also to have taken the lead, and, after the example of their American brethren, presented last year a similar petition to the parliament of this kingdom. The cause soon after became extremely popular, and was taken up with great zeal and earnestness by various descriptions of people. A society was formed, and a considerable sum of money subscribed, for the purpose of collecting information and supporting the expence of an application to parliament. A great number of pamphlets were published upon the subject; several eminent divines recommended it from the pulpit and in printed discourses; and in the present session petitions were presented from the two universities, and from several of the most considerable towns and corporations in the kingdom. In the mean time, his majesty's ministers thought it proper to institute an enquiry, before a committee of the privy council, into the facts and allegations contained in the representations of both parties upon the subject; and Mr. Wilberforce, to whom the conduct of the business in the House of Commons had been, by a sort of general consent, assigned, having been prevented, by the bad state of his health, from bringing it before the House, Mr. Pitt rose in his place, on the 9th of May, and, after mentioning this circumstance, moved, "That this House will, early in the next session of parliament, proceed to take into consideration the circumstances of the slave trade, complained of in the several petitions which have been presented to the House, and what may be fit to be done thereupon." He added, that previous to that time, the enquiry instituted before the privy council would be brought to such a state of maturity as to make it fit that the result of it should be laid before the House, to facilitate their investigation, and to enable them to proceed to a decision, founded equally upon principles of humanity, justice, and sound policy.

Mr. Fox declared, that what the right honourable gentleman had said laid him under very considerable embarrassment. He had himself considered the subject very minutely, and it had been his intention to have brought something forward in that House respecting it; but when he heard that an honourable gentleman, one of the members for Yorkshire, had resolved to take it up, he was unaffectedly rejoiced, not only knowing that gentleman's purity of principles and sincere love for the rights of humanity, but because, from a variety of considerations as to the characters and situations in which different men stood in that House, there was something that made him honestly think it was better that the business should

be in the hands of the honourable gentleman than in his, and that it was much more likely to come from the honourable gentleman with more weight, more authority, and more probability of success than it could from himself.

Having premised this, Mr. Fox said, that as so many petitions, and those signed by such numbers of persons of the most respectable character, had been presented, he was extremely sorry that it had been found impossible that the subject of them should be taken up this year. He certainly could not impute it as a matter of blame, that the case had not been otherwise, and lamented, as every gentleman must do, the absence of the honourable gentleman who had undertaken to bring it forward, and still more the cause of that absence. The right honourable gentleman had said, he thought there were circumstances that might happen by the next year, that would make it more adviseable and advantageous to take it up then, than it would have been to enter upon it in the present session. In answer to this he must declare, it was his opinion, that no such circumstance could happen.

From one part of the right honourable gentleman's speech he presumed it was the enquiry into the subject that had been instituted by the lords of his majesty's privy council that was alluded to, as the source to which that House was to look up for some necessary information. To the justice and propriety of that proposition he must give a flat denial; because there could be no information laid before that House, through the medium of the lords of the privy council, that could not much more advantageously have been obtained by that House, had they themselves instituted an enquiry. It was their duty to advise the king, and not to ask his advice. This the constitution had laid down as one of its most essential principles; and though, in the present instance, he saw no cause for blame, because he was persuaded his majesty's ministers had not acted with any ill intention, it was a principle that ought never to be departed from, because it never could be departed from without establishing a precedent that might lead to very serious abuse. He lamented that the privy council, who had received no petitions from the people on the subject, should have instituted an inquiry, and that the House of Commons, the table of which had been loaded with petitions from all parts of the kingdom, should not have instituted any inquiry at all. He hoped those petitions would have a fair discussion in that House, independent of any information that could be given the House by his majesty's ministers. He could not, therefore, help lamenting that the subject had not been brought forward earlier: when he said this, he was aware that the honourable member who

had undertaken it, was rendered incapable of attending the House; and he was also aware how unpleasant it must be for any one of that honourable gentleman's friends to have come forward, and answered for him, by saying that his health was such that he would not be able to attend during that session. It was certainly a very delicate thing to do, and what no gentleman could easily bring himself, on any occasion, to stand up and declare. He did not, therefore, impute blame any where on account of the delay, but he certainly lamented it extremely.

A right honourable gentleman, every way competent, had said that it was to be brought forward in the course of the next session of parliament, and that if his honourable friend could not then attend, he stood pledged to propose it himself. Surely it was somewhat strange that the right honourable gentleman had not given the House his sentiments on the subject, and the general view in which he meant to take it up. It was not a subject that was new, and on which gentlemen had formed no opinion; but, on the contrary, it was one on which most men had formed some opinion or other. He wondered, therefore, the right honourable gentleman had not hinted what his opinion was. Had his honourable friend been able to have come to the House, and proposed postponing the business till next session, they would have derived another advantage from his presence, because the honourable gentleman would doubtless have stated to the House in what view he saw the subject, and in a general way described the nature of the project he meant to propose next session. The opinion of the right honourable gentleman opposite to him, Mr. Fox said, he understood, *primâ facie*, to be the same as his own. But what his intention was, they knew not; with what view, and for what object he meant to bring the subject forward, he had left them completely in the dark.

The right honourable gentleman was pleased to observe, that it had been a very general opinion that the African slave trade should be put a stop to. Again, he had said, that others had not gone so far, but had given it as their opinion, that it required to be revised and regulated. Mr. Fox said he had no scruple to declare, *in the onset, that his opinion of this momentous business was, that the slave trade ought not to be regulated, but destroyed.* To this opinion his mind was pretty nearly made up, and he was persuaded, that the more the subject was considered, the more his opinion would gain ground; and it would be admitted, that to consider the subject in any other manner, and on any other principles than those of humanity and justice, was idle and absurd. If there were any such men, and he did not know but there were those,

who, led away by local and interested considerations, thought the slave trade might still continue under certain modifications, those men were the dupes of error, and mistook what they thought their interest, for what he would undertake to convince them was not their interest; — since nothing could be the true interest of any description of men that revolted against the principles of justice and humanity.

He said he would not oppose the question, if other members thought it was best to let the consideration, important and pressing as it was, stand over to the next session; but he should have thought it still better if it had been brought on then. He again enumerated the superior advantages of an inquiry into such a subject, carried on within those walls, over an enquiry carried on before the lords of the privy council. In inquiries carried on in that House, they had the benefit of every circumstance of publicity; which was a most material benefit indeed, and that which of all others made the manner of conducting the parliamentary proceedings of Great Britain the envy and admiration of the world. An inquiry there, was better than an inquiry in any other place, however respectable the persons before and by whom it was carried on. There, all that could be said for the abolition, or against the abolition, of the African slave trade, might be said. In that House every relative fact would have been produced, no information would have been withholden, no circumstance would have been omitted that was necessary for elucidation, nothing would have been kept back. There were some subjects of inquiry fitter for the privy council to investigate; but there was no public question so fit for them as for that House to inquire into: and the present was a question of public importance, and therefore peculiarly proper for investigation before that popular assembly. Mr. Fox said, he did not know any political question that could be considered in the abstract, or without a reference to the circumstances of the country. He took up the present subject from principles not only of justice and humanity, but from an investigation of those principles, and a consequent conviction that there could be no regulation founded in those principles, that could prove injurious to mere political considerations. Those mistaken men, therefore, who, led away by the delusive ideas of self-interest, thought otherwise, had only to hear the case fairly argued, to lead them to subscribe to the conviction of the propriety of the maxim he had stated, and to own its truth in spite of the fallacies of those who argued from cold policy, and for what they called the prosperity of the country.

The motion was agreed to *nem. con.*

Charges against Sir Elijah Impey.

May 9.

On the 28th of April, all the evidence in support of the charges against Sir Elijah Impey being gone through, Sir Gilbert Elliot began his reply to the answer of Sir Elijah. After a speech of considerable length the committee was adjourned to the 7th of May, when Sir Gilbert resumed his reply, and finished it on the 9th, with moving, "That the committee, having considered the first article, and examined evidence thereupon, is of opinion, that there is ground for proceeding against Sir Elijah Impey, by way of impeachment of high crimes and misdemeanors upon the matter of the first article."

The defence of Sir Elijah was undertaken by Sir Richard Sutton, who was supported by Mr. D. Pulteney, the solicitor and attorney general, and Mr. Pitt. The motion was supported by Mr. Fox, Colonel Fullarton, and Mr. Burke. When the solicitor general had concluded his speech,

Mr. Fox observed, that the honourable and learned gentleman who spoke last, had declared, that he was not an acquaintance of the parties. He was, Mr. Fox said, as little their acquaintance as the honourable and learned gentleman. Every man had his prejudices and his predilections. He came into the House sometimes with prepossessions, but he always endeavoured to give them as little power as possible, and he never, he trusted, had shewn himself dead to conviction. On the present occasion, he accused Sir Elijah Impey of a deliberate murder. He thought his friend, the honourable baronet, had argued the points of law ably, and sometimes conclusively. There were some particulars, however, in which he perfectly agreed with the honourable gentleman over the way. He thought his honourable friend was right in saying that Sir Elijah Impey was guilty to the full extent of the charge, because, at the same time that he proved that Sir Elijah had acted illegally, he proved that he had acted corruptly. His honourable friend had stated that the statute of the 2d of George II. against forgery, which applied likewise against perjury, was not in force in India. He would not trouble the committee with respect to the law, except only as to its applicability to that country. If any laws were carried to Calcutta, they were those of England, and not those of Calcutta; now, if it had been the intention of the legislature to have sent the statute of the 2d of George II. to India, they

would have sent it to America also. He asked, were there no bonds, no promissory-notes, in the colonies of North America? Certainly there were. Could Sir Elijah Impey then, with the act before him, say that Great Britain sent that act to India, though not to Scotland, to Canada, America, and the West Indies? And if commercial concerns had gone on in India for hundreds, nay, as an honourable baronet, (Sir Richard Sutton,) had said, for thousands of years, without the necessity of having the crime made a capital offence, what occasion was there to enforce the 2d of George II. in the case of Nundcomar? Mr. Fox reasoned upon this point, and asked whether any man, besides Sir Elijah Impey, would have taken upon himself the responsibility of putting to death a miserable individual, under the doubtful operation of that statute? What sort of argument must Sir Elijah Impey have held with himself, knowing how the law stood? Must he not have said, "If I had been in England,—at York, or at Exeter,—I could not have committed this act? There the king's prerogative of mercy would have been sacred; but here this wretch is in my power, and I will murder him."

Mr. Fox declared he never read the printed account of the trial without a conviction that the accusation contained in the charge, balanced with the evidence, proved Sir Elijah guilty. Every part of it went to establish that fact. What interpretation was to be put upon his whole conduct during the trial? In particular, let the committee consider the chief justice's artful declaration to the jury, that the question before them was, whether the prisoner was guilty of forgery, or his accusers guilty of a crime worse than murder? What was likely to be the effect of such an insinuation? It would necessarily operate upon the mildness natural to the human mind, and incline them of course to prefer the most lenient option, and think it was better to find the prisoner guilty of forgery, than by his acquittal to pronounce his accusers guilty of a worse crime than murder. If it should be asked, whether he thought it likely that men of a respectable and learned profession would disgrace themselves and their profession, by standing forward to defend a member of their own body, if they thought him really guilty, he would say, that he admired their abilities, and venerated their learning; but no abilities, no learning, should protect the person who could suppress the conscious evidence of his own heart, and withhold what might have saved the life of a fellow-creature. It was, to his conviction, extravagant and absurd to say that there was no malice in Sir Elijah Impey's mind throughout the trial. As well might he be told of a man's firing a pistol at another in the street, and killing him, and that it was impossible to prove

that the man who killed the other had any malicious motive. He thought it a convincing part of his honourable friend's speech, where he had argued that the attestation of a bond was not a material part of it, and that the forging an attestation was not a crime within the reach of the penal statute. If a man was to produce a bond with a forged signature, and forged attestations, Mr. Fox said, he should have good reason to believe the bond to be forged; but not so, where there was a doubt merely as to the attestations being the true attestations of the nominal witnesses; but Sir Elijah Impey had told the jury in his charge, that if they believed the attestation, they must condemn the prisoner. Sir Robert Chambers, he observed, had thought that the act of the 2d of George II. did not apply, and had been of opinion that the forgery ought rather to be tried as a misdemeanor under the fifth of Elizabeth. Mr. Fox here read an extract, in which this was fully stated: and he afterwards observed that Sir Elijah Impey, in his defence delivered at the bar, had endeavoured to persuade the House that Sir Robert Chambers had been convinced that his doubts were ill-founded, and had in consequence retracted his opinion. He was far, Mr. Fox said, from approving the conduct of Sir Robert Chambers. On the contrary, he thought he had acted very weakly, and that entertaining the doubts which he had stated, it was his duty to have pursued a different line of conduct. But there was no sort of foundation for supposing that he had retracted his opinion respecting the validity of the indictment. It was in evidence on the minutes, that Sir Robert Chambers had, upon the motion for the arrest of judgment, expressly declared that he had not retracted his opinion. What was still stronger, it was plain from his conduct in a cause tried long since that of Nundcomar, that he had not for years afterwards retracted his opinion, and he was convinced that he had not retracted it to that day. What, then, ought to have been the conduct of Sir Robert Chambers? Mr. Fox spoke of the known bad character of the chief witness for the prosecution, and said, as Sir Elijah Impey was well acquainted with his gross perjuries and prevarications, he ought to have stated the fact to the jury, and put them upon their guard against the testimony of such a witness. Had that been the case, he asked, was there one man in the committee hardy enough to say, that if he had been upon the jury he would not have acquitted Nundcomar?

After dwelling upon the various circumstances of the trial, he came at length to speak on the refusal of a respite, and drew the line of distinction between the case of a capital sentence in England and in India. Here it is always open

to a respite; and a respite is uniformly granted where any doubt has arisen on the trial. In Calcutta, a doubt had arisen of sufficient weight to authorize, nay, to make a respite almost an indispensable act of justice. The honourable gentleman who spoke first in the debate, in defence of Sir Elijah Impey, had given the very worst argument for him that could be urged, when he enumerated the number of his accomplices; as if it were any diminution of a man's guilt that others were guilty with him! With regard to Mr. Justice Le Maistre, he had, in his observation on Nundcomar's counsel, desiring that he might plead over, been proved guilty of an ignorance in the practice of the law that he should have been ashamed of, had he himself committed it. He reasoned upon the part of Mr. Farrar's evidence, which states that Mr. Justice Le Maistre shook his head, and said, no, no! when Mr. Farrar expressed his conception that in clear strictness of law, in a case of capital felony, a defendant had a right to plead over. In that case, he said, Sir Elijah Impey ought to have explained what the law was. He argued upon the confederacy alleged to have existed between Mr. Hastings and Sir Elijah Impey, and said it was from all the circumstances of the case strongly to be presumed, and being so presumed, a corrupt motive was the necessary inference, since no two people would agree together in so wicked a thing as the taking away the life of a fellow creature without some corrupt motive. He took notice of Sir Elijah's having stated that a bribe had been offered to one of the judges, and having said that it was a reason for executing but none for respiting. He likewise adverted to the suggestion, that it was suspected the commander in chief would rescue Nundcomar, and argued upon the whole as an idle pretence, to cover the meaning of the chief justice to shew to the people of India his own superior power. But admitting, for a moment, that General Clavering, Colonel Monson, and Mr. Francis, behaved ill in respect to their conduct with regard to Nundcomar, did that acquit Sir Elijah Impey, or prove that he ought not to have granted a respite?

Mr. Fox declared that he agreed perfectly with his honourable friend, that the committee ought not to vote for the question, unless it was proved that Sir Elijah had acted from corrupt motives; but let them consider all the train of circumstances that marked and characterised the whole proceeding. Let them recollect that the quarrel between Mr. Hastings and Nundcomar happened but a few days before the commencement of the prosecution; that party heats and divisions prevailed between the governor general and the

majority, and in consequence throughout Bengal; that Sir Elijah Impey was confessedly the friend of Mr. Hastings, and as much a party man in India, as he (Mr. Fox) was in this country; that the letter of Sir Elijah to Lord Rochford, and also the letter written from the mouth of the Ganges by Mr. Elliot, which an honourable baronet had read, proved this circumstance, that Mr. Elliot was sent out to England to carry an account of the trial, artfully prepared, for the purpose of deceiving the people of this country, relative to that extraordinary transaction; that Sir Elijah had refused a respite where a respite ought to have been granted, as he had heard Sir Robert Chambers declare he still entertained his doubts of the validity of the indictment; that they found him on the trial brow-beating Mr. Farrar for having done no more than his duty to his client, and acted like a gentleman and a friend to humanity. When he reflected on all these facts, could he say that he did not see that Sir Elijah was all along intent on deliberate murder? Had not the committee before them strong proofs of this point; and could they doubt a moment as to the whole having arisen from corrupt intentions?

Mr. Fox contended, that the more power the chief justice was invested with, the greater was the degree of his responsibility. He asked whether under the same circumstances, an impartial and humane man would not, instead of shewing himself the agent of the prosecution, and determined to carry the sentence into effect, have favoured the prisoner, and studiously endeavoured to find a ground for a respite. He said, had such a conduct been ill founded, no man of candour would have blamed it. He asked if they ever heard of ministers being impeached for granting of pardons, and yet they all knew that many pardons had been granted on improper grounds? And would any person say that non-respiting, where mercy ought to have been shewn, was not as fair a ground of impeachment as any other abuse of power? He said, he would put Sir Elijah Impey in the case of a minister of the crown, revising the sentence of a judge, and when it was recollected that the judge was no other than himself, would it not be agreed that he was bound to exert a double and a treble share of caution and candour? If he revised the opinion of another, Mr. Fox declared, he could freely exercise his judgment, but if he revised his own opinion, he was bound to distrust it, because he was naturally partial to himself.

Mr. Fox next considered the little effect of the execution of Nundcomar, in order to prove the fallacy of the argument that it was necessary, as an example, to deter the natives

from forgery. He declared that forgery had since been repeatedly committed by them from that time to this; and that, in all probability, the perpetration of it would so continue. The true effect of Nundcomar's execution was its obvious purpose; it was no less than a plain, unequivocal declaration that Mr. Hastings wished to prevent the natives from making charges against him, and in that respect it had fully succeeded.

After putting this very forcibly, and reprobating it as a most diabolical motive for so foul a conduct, Mr. Fox said he recollected one objection which had been urged against the charge; which was, that the whole of the facts alleged had been known for many years, and were not complained of before. If it was any argument against a prosecution of a great criminal, that from a variety of obvious causes his crimes had passed long unnoticed, the most atrocious offenders might persevere in guilt with impunity, because such an argument would go not only to clear Sir Elijah Impey, but every delinquent under similar circumstances. The honourable and learned gentleman, he observed, had said that Sir Elijah Impey enjoyed a good character when he went out to India: it was true, he had that sort of fair character which every other man possessed who had not stood in a situation that would bring his character to be tried; but even had his character been ever so excellent, a good character could not stand in contradiction to facts. He cautioned the committee as to their vote on the question, and appealed to them, whether they would read this lesson to the people of India, — that every accusation urged against the chief governor was to be punished with death? Mr. Fox concluded a most animated speech, with declaring, that if he was to pronounce upon his honour, he would say that Sir Elijah Impey was guilty of a deliberate murder; and if he was to depose it on his oath as a juryman, he would say the same. He lamented that the powers of the House were so contracted, that the committee could go no farther than to vote that Sir Elijah Impey had been guilty of a high crime and misdemeanor, because imprisonment for life and half his fortune could, in his mind, be no adequate compensation for his guilt. He was not, it was well known, a man of sanguinary feelings; but he should not be sorry if murder, in that case, were to meet with the punishment which murder deserved.

The motion was negatived by a majority of 73 to 18. On the 27th of May, the day appointed for the committee to sit again, upon the usual motion, that the Speaker do now leave the chair,

the same was opposed by the attorney general, on the ground that the next article, relative to the Patna cause, was at that time depending, and likely to come speedily to a hearing before the privy council. After a short conversation the motion was negatived; and the farther consideration of the charges was deferred till that day three months.

KING'S ILLNESS — REGENCY.

December 10.

IN the latter end of autumn, all ranks were alarmed by a report that his majesty was seriously indisposed. On the 24th of October, resolved, notwithstanding illness, to perform the functions of his royal office, he held a levee; and though it was obvious to every one present that his majesty's health was very materially affected, yet no symptoms indicated any definite species of malady. On the king's return to Windsor his disorder assumed a very alarming appearance. It was found that it had formed itself into a brain fever, attended with a delirium, so often resulting from that dreadful disorder. The mental derangement having continued to the beginning of November, without any intermission, at length became public; and the intelligence diffused general grief and consternation. The Prince of Wales repaired immediately to Windsor, where he was met by the lord chancellor, and they, in concert with the queen, took such measures relative to the domestic affairs of the king, as the necessity of the case required. In the mean time, all those, who by their rank and situation in the state were required to take a part in so new and unexpected an exigence, assembled in the capital; and an express was dispatched to Mr. Fox, at this time in Italy, to hasten his return. The parliament had been prorogued to the 20th of November; and as the intended commission for a farther prorogation had not been issued by the king, its meeting took place upon that day, as a matter of course. The peers and the commons remained in their separate chambers; and the chancellor in the upper, and Mr. Pitt in the lower House, having signified the cause of their assembling without the usual notice and summons, and stated the impropriety of their proceeding under such circumstances to the discussion of any public business whatever, both Houses resolved unanimously to adjourn for fifteen days. At the same time Mr. Pitt took occasion to observe, that as it would be indispensably necessary, in case his majesty's illness should unhappily continue longer than the period of their adjournment, that the House should take into immediate consideration the means of supplying, so far as they were competent, the want of the royal presence, it was incumbent upon them to insure a full attendance, in order to give every possible weight and solemnity to their proceedings. For this purpose it

was ordered, that the House be called over on Thursday the 4th of December next, and that the Speaker do send letters requiring the attendance of every member. Orders to the same effect were made by the Lords.

In order to lay some ground for the proceedings of the two Houses of parliament, a council was held at Whitehall on the day preceding their meeting, to which all the privy counsellors were summoned. Of fifty-four who attended, twenty-four were of the party of opposition. The physicians who had attended his majesty during his illness were called before them and sworn; after which three questions, which had been previously debated and carried in the council, were put to them severally. The first was, "Whether his majesty's indisposition rendered him incapable of meeting his parliament, and of attending to any sort of public business?" To this they answered, "That certainly he was incapable." The second was, "What is your opinion of the duration of his majesty's malady, and of the probability of a cure?" To this they answered, "That there was a great probability of his recovery, but that it was impossible to limit the time." The third question was, "Do you give this opinion from the particular symptoms of his majesty's disorder, or from your experience in complaints of a similar nature?" To this their general answer was, "That it was from experience, and having observed that the majority of those who were afflicted with the same disease had recovered."

On the 4th, the two Houses being assembled, the president of the council informed the peers that the king, by the continuance of his indisposition, was rendered incapable of meeting his parliament, and that all the other functions of government were thereby suspended. He then declared it to be his opinion, that in this dismembered state of the legislature, the right devolved on the two Houses of Parliament to make such provision for supplying the defect as should be adequate to the necessity of the case; but that it was necessary, before any step could be taken in so delicate a business, that the deficiency should be fully ascertained: with this view he moved, that the minute of the privy council should be read; which being done, the following Monday was appointed for taking it into consideration. A motion to the same effect being made by Mr. Pitt in the House of Commons, Mr. Viner expressed his doubt whether, in a matter of such moment, and which would be attended with such important consequences, the House could proceed upon a report from the privy council without a farther examination of the physicians, either at their bar or by a committee of their own. Mr. Pitt urged, in reply, the delicacy of the subject to be discussed; and remarked farther, that the examination before the council was taken upon oath, which the House had it not in their power to administer. Mr. Fox concurred in opinion with Mr. Viner; he felt the propriety of acting with all possible delicacy; but if delicacy and their duty should happen to clash, the latter ought not to be sacrificed to the former. A doubt was also stated by the Speaker, whether, in the present defective state of parliament, he was competent to issue writs for new elections. This was determined in the affirmative, and the House immediately rose.

On Monday the 8th, Mr. Pitt, either convinced upon farther consideration of the propriety of Mr. Viner's suggestion, or expecting that the probability of his majesty's recovery would become more apparent upon a fuller inquiry into the case, came forward to propose that a committee of twenty-one members should be appointed to examine all the physicians who had attended the king during his illness. A like committee was appointed the same day in the House of Lords; and the members in both were chosen nearly in equal numbers from each side of the House. The report of the committee being brought up on the 10th, and ordered to be printed, Mr. Pitt moved, "That a committee be appointed to examine the Journals of the House, and report precedents of such proceedings as may have been had in cases of the personal exercise of the royal authority being prevented or interrupted by infancy, sickness, infirmity, or otherwise, with a view to provide for the same." The motion being made,

Mr. Fox having premised that he was happy to feel a coincidence of sentiments with those of the right honourable gentleman in most parts of his speech, added, that undoubtedly it was their duty to lose no time in proceeding to provide some measure for the exigency of the present moment, but that exigency was so pressing in point of time, that he for one would willingly dispense with the motion then made. If the motion were carried, it must be considered that it was loss of time. What were they going to search for? Not precedents upon their journals, not parliamentary precedents, but precedents in the history of England. He would be bold to say, nay, they all knew, that the doing so would prove a loss of time, for there existed no precedent whatever that could bear upon the present case. The circumstance to be provided for did not depend upon their deliberations as a house of parliament; it rested elsewhere. There was then a person in the kingdom different from any other person that any existing precedents could refer to — an heir apparent of full age and capacity to exercise the royal power. It behoved them, therefore, to waste not a moment unnecessarily, but to proceed with all becoming speed and all becoming diligence to restore the sovereign power and the exercise of the royal authority.

When the unfortunate situation of his majesty was first made known to that House, by a presentation of the minute of the privy council, some gentlemen had expressed a doubt whether the House could make such a paper a ground of parliamentary proceedings. Mr. Fox reminded the House that he had gone farther, and declared he thought the report of the privy council was not an authentic document, nor such as that House could make the ground of its proceedings. That defect had now been remedied, and the House was, in

consequence of the regular examination which his majesty's physicians had undergone before a committee of their own, in possession of the true state of the king's health. That being known to the House, and through them to the nation at large, he contended that it was then, and then only, the precise point of time for the House to decide, and that not a single moment ought to be lost. In his firm opinion, his royal highness the Prince of Wales had as clear, as express a right to assume the reins of government, and exercise the power of sovereignty, during the continuance of the illness and incapacity with which it had pleased God to afflict his majesty, as in the case of his majesty's having undergone a natural and perfect demise: and, as to this right, which he conceived the Prince of Wales had, he was not himself to judge when he was entitled to exercise it; but the two Houses of parliament, as the organs of the nation, were alone qualified to pronounce when the prince ought to take possession of, and exercise, this right. He thought it candid, entertaining this opinion, to come forward fairly, and avow it at that instant; and, therefore, under such an idea, he conceived that as short a time as possible ought to intervene between the Prince of Wales's assuming the sovereignty, and the present moment.

He justified the prince's not making this his indubitable claim himself, by imputing his desire of waving the open advancement of it, to his having been bred in those principles which had placed his illustrious house on the throne, and to his known reverence and regard for those principles, as the true fundamentals of our glorious constitution, in the maintenance of which his family had flourished with so much prosperity and happiness, as sovereigns of the British empire. Hence it was, that his royal highness chose rather to wait the decision of parliament, with a patient and due deference to the constitution, than to urge a claim, which, he trusted, a majority of that House, and of the people at large, admitted; and which, he was persuaded, could not be reasonably disputed. But, ought he to wait unnecessarily? Ought his royal highness to wait while precedents were searched for, when it was known that none that bore upon the case which so nearly concerned him, existed? Take it for granted, the House agreed to the motion, and proceeded by their committee to search for precedents. What precedents did the wording of the motion point to? It spoke in general and indefinite language. Possibly it might mean parliamentary precedents, referring to such contingencies as the present. If that were its meaning, the words "parliamentary precedents," ought to have been expressed in it.

Mr. Fox remarked, that he should not oppose the motion, but he thought it his duty to say, that it was incumbent on the House to lose no time in restoring the third estate. His royal highness, he was convinced, must exercise the royal prerogative during, and only during, his majesty's illness. With regard to the examination of the physicians, he would not take up the time of the House with commenting on the particular answers and opinions of each. However the physicians might have delivered opinions, that might, in the minds of some men, impress one idea, and in the minds of others, a very different idea, three points were, he thought, undeniable inferences from the whole of their examinations, in which he had assisted above stairs. These three points formed the result, and must be the *substratum* on which that House would necessarily raise the superstructure, whatever it might be, that they should deem it expedient to erect. He took the three points to be these: 1. That his majesty was incapable of meeting his parliament, or of attending to business. 2. That there was a great prospect and a strong probability of his recovery. 3. But that with respect to the point of time when that recovery would take place, they were left in absolute doubt and uncertainty.

Upon this occasion, Mr. Fox said, that he could not avoid expressing his hopes that the House would agree with him, that these three points formed the true, fair, uncoloured result of the examination of his majesty's physicians. He recapitulated the general heads of his speech; and, after repeating his willingness to accede to every proposition that was consistent with the due solemnity of their proceeding upon so serious an occasion, and declaring that he did not impute any desire to create delay or unnecessarily avoid dispatch to the right honourable gentleman who spoke last, added, that he certainly would not resist the motion, although he had thought it incumbent on him to give his opinion on the subject freely and unreservedly.

Mr. Pitt rose with some heat, to controvert the doctrine advanced by Mr. Fox. He declared it to be little less than treason against the constitution; and pledged himself to maintain, on the contrary, that the heir apparent had no more right, in the case alleged, to the exercise of the executive power, than any other subject in the kingdom; and that it belonged to the two remaining branches of the legislature, in behalf of the people, to make such provision for supplying the temporary deficiency as they might think most proper, to preserve unimpaired the interests of the sovereign, and the safety and the welfare of the nation. He added, that from the mode in which the right honourable gentleman had treated the subject, a new question presented itself, and that of much greater

magnitude than the question originally before them; it was a question of their own rights; it was become a doubt, whether the House had on this important occasion any deliberative power at all. The motion he had made could therefore no longer be called nugatory, but was become absolutely necessary, in order to learn and ascertain their own rights.

Mr. Fox begged the House would permit him to rise again to explain. The right honourable gentleman had, though he believed unintentionally, misrepresented what he had said; at least, an expression which the right honourable gentleman had used, might, if not explained, have the effect of a misrepresentation, on account of its equivocal meaning. The right honourable gentleman had charged him with something like treason to the constitution, for having asserted that the Prince of Wales had a right, from law, to the government, which the two Houses could not take away from him: the right honourable gentleman, however, in stating the position, instead of the words "the two Houses," substituted the equivocal word "parliament:" it was this word which required explanation. If by parliament the right honourable gentleman meant the three branches of the legislature, consisting of King, Lords, and Commons, he would agree with him that such a position would be treasonable; for no doubt the parliament, in that sense, could alter or limit the succession, or place such restrictions as it pleased upon the exercise of the sovereign power. But if by parliament he meant the two Houses without the king, then he would be bold to say such a parliament, if such could be entitled to that name, could not legally deprive the Prince of Wales of the regency during the incapacity of his father, and during that period only, or place any restrictions upon him in the exercise of the sovereign power in the name of his father. So far would it be from being treason in him to assert, "that the two Houses could alter the succession, or restrain the exercise of the sovereign power," that if he should be daring enough to support such a proposition, the king's attorney-general would prosecute him for uttering such a doctrine, and would shew that he was open to the penalties of a præmunire for maintaining it.

Every one knew, he said, that he was no advocate for the antiquated and exploded doctrine of indefeasible hereditary right; but it had been declared that the crown of England was not elective. Now, if for the purpose of guarding against the discussion and anarchy of an elective government, the crown was by law declared to be hereditary, why should it not be inferred from analogy, that the exercise of the sovereign power was also hereditary. Such an inference was necessary to give life and spirit to the letter of the law, declaring the

hereditary descent of the crown; and consequently the claim of the Prince of Wales to the right of assuming the government during his father's illness ought to be admitted. Indeed, he was astonished to find any one bold enough to dispute it. Some time ago, the Speaker had, from the chair, expressed his doubts, whether in the present state of affairs, the House had legally the power of ordering writs, even for the purpose of rendering its own representation complete; and yet the right honourable gentleman would contend, that it had a right to exercise the highest power, that of vesting, though for a time, sovereign authority in the person of a regent. In truth, it was matter of serious doubt whether, under the present circumstances, the House to which he was then speaking, was really a House of parliament. Those meetings from which the country had derived the blessings of a free constitution, as settled at the Revolution, knew too well what they were, to call themselves a parliament; they called themselves by their true name, a convention, for they were no more, until a third estate was created. And perhaps the two Houses at present might be more truly styled a convention than a parliament, until the third estate was restored, by the recognition of the heir apparent's right, the declaration of the two Houses, or even an appointment of a regency under their authority.

He had said before, that the prince's right to the regency was indisputable: he would now go farther, and assert that it so belonged of right, during what he would call the civil death of the king, that it could not be more completely or legally his, by the ordinary and natural demise of the crown. The prince, therefore, who maintained that right, and yet forebore to assume it, was entitled to the thanks of his country. He was actuated by a respectful regard to the principles that had placed his illustrious family upon the throne; he waited to be informed of the sense of the people, before he would assume what no man had a right to take from him, what the law and the constitution had given him a right to take, without waiting for a declaration of either House of parliament. It was not decent, therefore, to trifle with a prince, whose conduct was marked with such meritorious forbearance, by instituting an enquiry into precedents, that had nothing to do with the case. It was the duty of the two Houses to restore the royal authority, and that immediately; and he denied the right honourable gentleman, acute as he was, to contradict that assertion; but if the two Houses of parliament took advantage of the present calamitous state of the country, to arrogate to themselves a power to which they had no right, they acted contrary to the spirit of the constitution, and would be guilty of treason.

Mr. Burke added some sarcastical remarks upon the doctrine of the chancellor of the exchequer. Were he to become an elector for the regency, as undoubtedly, he said, every member of the House would be, if the doctrine they had heard was received, he hoped he should be excused if he gave his vote for a prince whose amiable disposition was one of his many recommendations, in preference to a competitor who had threatened the asserters of the Prince of Wales's right with the penalties of constructive treason. Being called to order for these expressions, he insisted that he was not disorderly. The chancellor of the exchequer had asserted, that the prince had no more right to the regency than any other subject whatever; and if the House were of the same opinion who would answer for the event of the election? Mr. Pitt concluded the conversation with complaining of the indecency of the expression that had been used; and asked, whether, when Mr. Sommers asserted, in the convention of 1688, that no person had a right to the crown, it would have been thought decent for any member to have risen and pronounced him a competitor with William the Third?—A committee of twenty-one, of whom nine were members of opposition, was then appointed to sit, with the usual powers.

December 12.

The report of the said committee being presented was ordered to be printed. Mr. Pitt then moved, that the House should on Thursday next resolve itself into a committee of the whole House, to take into consideration the state of the nation. The question having been put from the chair,

Mr. Fox remarked, that two particular purposes were his motives for rising on the present occasion; and these, he felt it incumbent upon him to lose no time in laying before the House, the more especially as they had reference to what had passed upon the subject that did then engage, and had for some days past engaged their most serious attention. The first purpose was what he never rose for before, since he had been a member of that House. No member was more indifferent to newspaper paragraphs, reports, and representations, than he was; he scarcely ever looked into any of their accounts of what he said in that House, without finding some part of his speech misrepresented, but he had thought it beneath him to take any notice of it himself, trusting, that if he had expressed himself clearly, the candour of that House, and the recollection of those who heard him, would do him justice. What he rose then to complain of, was a very different matter. There had, he said, been representations, or rather misrepresentations, not in newspapers, not in pamphlets, not in coffee-houses, but there had been misrepresentations of

what he had said in that House on Wednesday last, publicly made, before a certain august assembly, by a grave person, in high authority, and of dignified rank. He desired the world to judge him and his opinions, from the sense of those opinions, and his meaning as explained at the time. There were different sorts of misrepresentations; there might be some wilful and intentional misrepresentations, others arising rather from levity, caprice, and wantonness, than mischievous design; and, again, another description of misrepresentations arising from the misconception of honest minds, made by persons who were themselves mistaken and acted upon that mistake. Under which of these descriptions of misrepresentation he had fallen, he would not take upon him to determine; possibly he might have not expressed his meaning clearly, though he thought he had spoken in a manner so explicit, that no man could misunderstand him; he was sure it arose, not from any contempt of his auditors, that he had not rendered himself more intelligible, but merely from the want of power and capacity to convey to their minds, what so forcibly impressed his own; be that as it might, what had been understood to be his meaning, or what had been misrepresented to have been his expression and sentiment, when speaking as a member of parliament, ought not to have been treated as it had been; as if public proceedings, of a grave and solemn nature, ought to be grounded on so unsubstantial a foundation. The first point, from which he must exculpate himself, was, the supposition of having spoken from the authority of any person whatever, much less from the authority of his royal highness the Prince of Wales. He had spoken merely of himself, and delivered his opinion, as an individual member of parliament. In that private capacity, and without the Prince of Wales's authority, he had freely delivered his opinion, and the opinion he had stated and meant to state, was, that from the moment that the two Houses of parliament declared the king unable to exercise the royal sovereignty, from that moment, a right to exercise the royal authority attached to the Prince of Wales. But he must state what that right was, that so attached; and he would trust to the recollection of gentlemen, whether he had not so explained it, when he had last occasion to speak upon the subject. A new term had been put into his mouth in another place, which he had not used; it had been said, that he had declared, "that the Prince of Wales had a right to assume the royal authority, upon the interruption of its personal exercise, in consequence of the king's illness and incapacity." What he meant was this: he conceived the exercise of the royal authority to be the right, under such circumstances, of the Prince of Wales; but he had

spoken of it as a right, and not the possession. Before the prince could exercise that right, he must appeal to the court competent to decide, whether it belonged to him or not, or must wait till that court, on the part of itself, made such declaration. That court was composed of the two Houses of parliament, while they were sitting; the prince had the right, but the adjudication of that right belonged to the two Houses. The more clearly to understand this, it was necessary to explain the precise meaning of the word election, and to contrast it with the term adjudication. That House could legislate and provide such measures, as it deemed advisable for the public interest; when they individually gave their votes for such persons, whom they thought most fit to represent them in parliament, they made their election of their representative; but when they sat in a committee above stairs, to try whether A. or B. was entitled to a seat as representative of such or such a borough, they sat as judges, and their report was an adjudication of the right of A. or B. If gentlemen would do him the honour to recollect his manner of treating this subject, on the preceding day, they would, he hoped, in justice admit, that the meaning which he had now explained, was precisely that which his words, on a former occasion, had then been calculated to convey, and that he neither talked of the usurpation of the two Houses, nor suggested a single idea to warrant the imputing to him any intention of that sort, or any thing like it. Let it be recollected where he was speaking, and to whom he was addressing himself; to the House of Commons, one of the constituent parts of the very court that was to make the adjudication of the prince's right. Let it be recollected likewise, whether the rest of his argument, both in his speech and his reply, did not go expressly to the nature of the prince's right, as he had now defined it. He had, in terms the most explicit and unequivocal, asserted it as his opinion, that when that and the other House of parliament declared his majesty incapable of exercising the royal authority, that was the precise period of time when the prince's right attached, and when that House ought not to delay in restoring the royal authority. Had he not said, that the same principles that made the crown hereditary, made the executive power, and the government of the country, hereditary likewise? Upon that ground it was, that he had argued as he had done, and this he conceived to be the nature of the Prince of Wales's right. Having thus, as he hoped, clearly explained his meaning, he was free to acknowledge, that greater differences of opinion prevailed respecting the right of the Prince of Wales to exercise the royal authority, under the circumstances so often stated, than he could have expected, but

much of that difference of opinion, he found, arose from some nice, logical, and legal distinctions, taken between the term right, and claim; distinctions more equivocal, in his mind, than solid and substantial, and which were rested on arguments and principles, which he confessed his understanding was too dull to comprehend. One idea which he had learnt was, that several persons admitted that the Prince of Wales had an irresistible claim, which the parliament could not reject or refuse, whenever it was made, without forfeiting their duty to the constitution. To that idea, he, for one, had no objection; because he knew no difference between an irresistible claim, and an inherent right. In another place, the right of the Prince of Wales had been deeply investigated, and that by inquirers every way equal to the discussion, who all gave their sanction and authority to his opinion. If the Prince of Wales had done him the honour to have asked his advice how to proceed, he should have told him, as parliament was sitting, that he thought his royal highness might have sent a message to either, or to both Houses, stating his claim, and calling upon them to decide upon it. But, as he had said on a former day, his royal highness's forbearance was such, that he would send his claim to neither House of parliament; but would wait patiently, and with due deference, being conscious that the two Houses ought to acknowledge the justice of that claim, and thereby restore the royal authority.

Mr. Fox declared, that he could not help thinking, that the conduct of his royal highness deserved the commendation he had bestowed on it, and was entitled to universal applause. For his own part, he could assert, that he had entertained sanguine hopes, that, in the adjustment of a business of so delicate and important a nature, men of every description would have concurred in one leading and essential circumstance, and have allowed, that let there exist what doubt there might, of the Prince of Wales's right to exercise the royal authority under the present circumstances of the country, there could be none of the propriety of investing him with the sole administration of the government, and with the unlimited exercise of all the regal functions. He had not yet abandoned these hopes altogether. The right honourable gentleman had named an early day for the House to resolve itself into a committee of the whole House, to take into consideration the state of the nation; he did not mean by an early day, a day too early. He had before declared, that after the authentication of the king's incapacity, the House ought not to lose any time in restoring the royal authority; but, surely, it could not prove a matter of indifference whether the House should, or should not, be enabled to know what sort of proposition it

was, that the right honourable gentleman meant to bring forward on Tuesday next, in order that they might turn it in their minds, and come prepared to discuss it, with some knowledge of its propriety and expediency. He wished the right honourable gentleman not to regard him as hostile on the present occasion. He knew it was so usual for the House to see the right honourable gentleman and himself acting in an hostile point of view towards each other, that it was difficult to consider them in any other light; but, what he now suggested, he suggested on grounds of general convenience, devoid of any party consideration whatever. If the right honourable gentleman did not feel the proposition that he had made as he did, he could only lament that he did not. He did hope, however, that the right honourable gentleman would not think it unfit to give the House some general outline of what he meant to state to the committee on Tuesday, that gentlemen might not be puzzled with the novelty of the proposition, and embarrassed how to vote. He was inclined to hope, that, as to essential points, the difference between the right honourable gentleman and himself was extremely minute; an advantage, therefore, would result from a communication of the intended proposition; the opinions of weighty men upon it might be ascertained, and thence it might be seen whether arrangements might not be made to reconcile difference on small points, in order that the question, whatever it might be, might be carried with unanimity. What some conceived a right in the Prince of Wales, others might deem at the disposal of the two Houses of parliament; but that was a difference of opinion of no material import to the main consideration of the act they were to do, and which they must proceed to do in some shape or other. When the thing itself was decided, it would remain to determine by what mode to notify it. He conceived, there could be but two regular methods; one by a declaration, the other by an address, or perhaps both conjointly by the two Houses.

He knew not whether the right honourable gentleman was willing to communicate the outline of what he meant to state to the committee next Tuesday; but he had no difficulty to declare unreservedly what his own opinion was upon the subject. His opinion was, that the Prince of Wales ought to be declared regent, and capable of exercising all the regal powers, in the same manner and to the same extent, as they would have been exercised by his majesty, had his health enabled him to discharge the functions of the sovereign authority. That was his opinion, and the House would see it was a plain, simple, intelligible proposition. If the right honourable gentleman's proposition came near his, something ought to be

sacrificed to unanimity; and he should be ready to give up, on his part, in proportion as the right honourable gentleman would express the same willingness to accommodate. Though it was abundantly more desirable to carry a question of such infinite magnitude, by the unanimous consent of the House, than by a majority; yet, if the right honourable gentleman's opinion differed widely from his own — so widely, that there was no chance of reconciling the one to the other — he should be reduced to the necessity of dividing the committee upon it. He declared he should be willing to sacrifice much for the purpose of giving occasion to unanimity, because he thought it, above all things, desirable. In the great point, there could be no difference of opinion. They must all agree that it was, in the first instance, their business to set up something for the regal power; and who would they set up, but the Prince of Wales, who certainly had the first interest in the welfare of the kingdom, his majesty alone excepted? He urged the right of the prince as an abstract point, and as such, the stating it was, in his opinion, a powerful argument. But what signified differences upon abstract points, where the substance was indisputable? The field was wide, and his object then, as it had been in the debate of Wednesday, was, to lead the mind to that point upon which gentlemen ought to look. *De qua re agitur* was the matter he wished to ascertain, and with that view, he had called upon the right honourable gentleman to state the outline of the proposition with which he meant to come forward on the ensuing Tuesday. All he wished was, that the House might know what they were to expect, and not come altogether unprepared to meet it, when the proposition should be regularly made. In the beginning of his speech, he had endeavoured to explain a matter, respecting which he had been misrepresented in another place. He hoped he had done it satisfactorily; but if any gentleman entertained a doubt upon any part of what he had said, he should be happy to answer any question on that subject, and to give the fullest explanation in his power.

Mr. Pitt followed Mr. Fox, and after admitting the explanation given by the latter, declared that he was ready to meet him on the ground, upon which, after mature deliberation, he had thought fit to place the question in dispute between them. The right honourable gentleman now asserted, that the Prince of Wales had a right to exercise the royal authority, under the present circumstances of the country, but that it was a right not in possession, until the prince could exercise it on, what he called, the adjudication of parliament. He, on his part, denied that the Prince of Wales had any right whatever, and upon that point the right honourable gentleman and he were still at issue; an issue that, in

his opinion, must be decided, before they could proceed one step farther in the great and important considerations to be discussed and determined. An expression, he remarked, had also been used, tending to insinuate that this right of adjudication, under the present or similar circumstances, could only take place upon a supposition of the actual sitting of parliament; the plain inference from which was, that if parliament were not sitting, the Prince of Wales could assume the exercise of the regal authority. Mr. Pitt declared, that he thought the Prince of Wales could, in no case, assume of right the sovereign power. If there were no parliament in existence, he granted that the heir apparent, acting in concert with other persons in great situations, might, under such circumstances as the present, have issued writs, and convened the two Houses, for the purpose of providing for the public safety. But, supposing the right of assumption given up altogether, and that the prince must have the right adjudged by parliament, he denied that they were acting as judges, as the sentiments of the right honourable gentleman so manifestly intimated. It was subversive of the principles of the constitution to admit, that the Prince of Wales might, under any circumstances, seat himself on the throne, during the life-time of his father; and the intimation of the existence of such a right, as he had remarked on a former occasion, presented a question of greater magnitude and importance, even than the present exigency, and the provision that it necessarily required; a question that involved in it the principles of the constitution, the protection and security of our liberties, and the safety of the state. When the rights and powers of the two Houses were ascertained, it would then become a question, to whom and what portion of the sovereign power should be delegated during his majesty's illness: upon this point, however decided he might be in his opinion against the whole or any part of the regal power being vested in the Prince of Wales, as a matter of right, in any way in which that right had been explained, he was equally ready to say, that, as a matter of discretion, and on the ground of expediency, it was, in his opinion, highly desirable, that whatever part of the regal power it was necessary should be exercised at all during this unhappy interval, should be vested in a single person, and that this person should be the Prince of Wales: that he also thought it most consistent with true constitutional principles, and most for the public convenience, that his royal highness should exercise that portion of authority, whatever it might be, unfettered by any permanent council, and with the free choice of his political servants. With regard to the portion of royal authority which ought to be given, or withholden, it would be premature, in the present stage of the business, to enter into the particular discussion of it; but he had no objection, even now, to declare in general, that whatever authority was necessary for carrying on the public business with vigour and dispatch, and for providing, during this interval, for the safety and interests of the country, ought to be given; but, on the other hand, any authority not necessary for those purposes, and capable of being, by possibility, employed in any way which might tend to embarrass the exercise

of the king's lawful authority, when he should be enabled to resume it into his own hands, ought to be withholden; because from its being given, more inconvenience might arise to the future interests, both of the people and of the crown, than any which could arise, in the mean time, from its temporary suspension.

Mr. Fox answered, that he was ready to admit that the right honourable gentleman had nearly stated every point which he had desired, and, indeed, full as much as he either did, or had any right to expect from him, and that with great candour. The right honourable gentleman had taken a distinction between the right of the Prince of Wales while parliament was sitting and his right while parliament was not sitting, and had asked, what would have been the prince's conduct under the latter circumstance? In that case, Mr. Fox said, he supposed the prince would have done what the right honourable gentleman had stated might have been done; he would have convened the two Houses of parliament, and referred to that convention, the consideration of the state of the nation, and expected when they declared the incapacity of the king, that they would have also declared his right to the regency. Some words had slipped into the right honourable gentleman's speech which seemed to insinuate that he had put the regency in a point of view very different from that in which he had placed it. The right honourable gentleman had remarked that the House was to decide whether it was a right or a trust. When he (Mr. Fox) had stated that the Prince of Wales had a right to exercise the royal authority, he most undoubtedly meant a right to exercise it as a trust from the people, which parliament might resume, alter and modify, just as it thought proper. If that trust were abused essentially, the people of England might resume it without the parliament, as had been done in the case of the Revolution. The regency was a trust, on behalf of the people, for which the prince was responsible, in like manner as his majesty and every monarch that ever sat upon the throne, were responsible for the due execution of their high office. Sovereignty was a trust depending on the natural liberties of mankind. But, his notions on revolution doctrines had been so often stated, and were, he conceived, so well known in that House, that he scarcely supposed it would be imputed to him, that he meant to deny that the regency was a trust; far from it; he had upon that ground urged the prince's right to be hereditary, conceiving an hereditary succession the best security to the people for the due discharge and faithful execution of the important trust vested by them in their governors. Mr. Fox took notice of the abstract question of right, which the

right honourable gentleman had declared he would bring forward in the committee on the state of the nation; and added, that until he saw the words of the proposition, it was impossible for him to speak to it. It might be a proposition which the committee would affirm; it might be a proposition which the committee would neither affirm nor deny, but wave the consideration of. With regard to the steps which the right honourable gentleman had said he would take in the committee, there might be objections offered to his intended mode of proceeding, and he would state what those objections were, without arguing upon any of them. The right honourable gentleman had said to whom the powers of the royal authority should be entrusted; and after having resolved that, he had declared that only a portion of those powers should be given. A question might arise between those two steps, whether there should be a portion or the whole of the royal authority vested in the regent? Mr. Fox considered this in two different points of view, as a question of right, and as a question of expediency. He doubted whether the plan of proceeding step by step could legally be pursued; and whether, allowing for the moment that the Prince of Wales had no right, the two Houses of parliament could propose an act of legislation. He doubted also, whether they must not necessarily, in the first instance, set up something for a king, to give his consent to the proposed defalcation of royal authority, whatever it might be. Restoring the royal authority seemed to him to be clearly the first step that must be taken, and he conceived that the two Houses could not bargain with the regent beforehand for the diminution of regal power. He professed that he saw no sort of necessity for coming to a division on an abstract proposition, when they had measures of so much solidity to take; where the portion of power that must be withheld was so little, the stating an abstract proposition was, in his mind, useless; he thought it, therefore, much better to wave it, and for both Houses to convince men by their acts, and not by abstract resolutions. The right honourable gentleman's intentions, he observed, were plain and manifest; and he had, on his part, expressly stated his opinion on the subject, which was to invest his royal highness with the whole, not a portion, of the royal powers. Both sides of the House were therefore sufficiently understood, and the question consequently would be, whether it was expedient to make the Prince of Wales regent, or a parliamentary regent, and thus give a situation and create a power, hitherto unknown to our constitution.

The motion for going into a committee on the state of the nation upon Tuesday the 16th was then agreed to; and the exami-

nation of the king's physicians before the privy council, the report from the committee appointed to examine the said physicians, together with the report of the committee appointed to search for precedents, were ordered to be referred to the said committee.

December 16.

The House having accordingly resolved itself into the committee, Mr. Pitt moved the following resolutions: 1. "That it appears to this committee, That his majesty is prevented by his present indisposition, from coming to his parliament, and from attending to public business; and that the personal exercise of the royal authority is thereby, for the present, interrupted. 2. That it is the opinion of this committee, That it is the right and duty of the lords spiritual and temporal and commons of Great Britain now assembled, and lawfully, fully, and freely representing all the estates of the people of this realm, to provide the means of supplying the defect of the personal exercise of the royal authority, arising from his majesty's said indisposition, in such manner as the exigency of the case may appear to require. 3. That for this purpose, and for maintaining entire the constitutional authority of the king, it is necessary, that the said lords spiritual and temporal and commons of Great Britain, should determine on the means whereby the royal assent may be given in parliament to such bill as may be passed by the two Houses of parliament, respecting the exercise of the powers and authorities of the crown, in the name and on the behalf of the king, during the continuance of his majesty's present indisposition."

The first resolution was voted unanimously. The arguments urged by Mr. Pitt in support of the second resolution were principally drawn from two sources, the precedents contained in the report of the committee, and the acknowledged maxims and spirit of the constitution. Lord North opposed the resolution, and moved, That the chairman should leave the chair. The original proposition was supported by the master of the rolls, Mr. Dundas, the attorney and solicitor general, and Mr. Hardinge, the solicitor general to the queen.

Mr. Fox rose and observed, that some remarks which had fallen from different speakers, in the course of the debate, compelled him to break silence, although it had not been his intention to have troubled the committee; and indeed if he had thought it necessary, after what the House had before heard from him on the subject, to enter into any farther justification of his opinion, he was not, from personal indisposition, capable of doing that justice to its defence, which he was sure it deserved. Not thinking it necessary to make such a defence, he would treat the question only in a collateral way, and therefore should not have occasion to detain the committee very long, nor was there danger of his injuring

that cause which he had engaged in, by any deficiency of reasoning resulting from his present ill state of health. Any man would imagine, from the weakness of the arguments advanced on the other side, that those who had used those arguments, wished to provoke him to debate the right of his royal highness the Prince of Wales to exercise the sovereign authority, during the incapacity of the sovereign. From the extreme futility of their reasoning, from the glaring absurdity of their inferences, the false premises they had laid down, and the irrelevant and inapplicable precedents, which they pretended to rely on, they, perhaps, thought that they held out a temptation so strong, that flesh and blood could not withstand it.

Could the right honourable the chancellor of the exchequer and his friends suppose that the committee would think them serious, in supporting the system they meant to proceed upon in the present exigency, by producing the sort of precedents to which they had referred? What a miserable system must that be, the prominent features of which were so disgraceful! Was the practice of the present times, times so enlightened, and in which the principles of the constitution were so well understood, to be grounded on precedents drawn from so dark and barbarous a period of our history as the reign of Henry the Sixth? And were the rights of that House of Commons, and its proceedings in one of the most difficult moments that had ever occurred, to be maintained and vindicated by the example of the House of Lords, at a time that the rights of the Commons House of parliament were so ill understood, or so weakly sustained, that its Speaker was actually in prison, on commitment of the House of Lords; in prison upon a judgment in favour of that Duke of York, whose measures administration had avowed it to be their intention to imitate? Let the committee reflect a moment on the period, the infamous transactions of which were chosen as the model of the proceedings of this day; that period which led immediately to the wars between the houses of York and Lancaster, and was that melancholy æra at which all the dismal scenes of anarchy, confusion, civil warfare, and bloodshed, that so long desolated the kingdom, and reduced it to a state of unparalleled disgrace, and distress, commenced. Were the committee to select their precedents from such times, and to govern their conduct by such examples? From a time, too, when the House of Commons was prostrate at the feet of the House of Lords, when the third estate had lost all energy and vigour, and when the power lay wholly in the hands of the barons. Precedents drawn from such times could not be resorted to with safety because

there was no analogy between the constitution then, and the constitution as established at the Revolution, and since practised. All precedents taken from periods preceding the Revolution, must be precedents which bore no analogy to the present case; because, at no one period before the Revolution, was civil liberty clearly defined and understood, the rights of the different branches of the legislature ascertained, and the free spirit of our constitution felt and acknowledged. The earlier periods of history were such, as only shewed the changes of hands into which power shifted, as the circumstances of the times ordained. In one reign, the power would be found to have been in the king, and then he was an absolute tyrant; in others, the barons possessed it, and held both king and commons in the most slavish subjection; sometimes the democracy prevailed, and all the oppressions of a democratical government were practised in their fullest enormity.

No precedent, therefore, drawn from times so variable, where right and wrong were so often confounded, and where popular freedom had neither an existence nor a name, ought to be considered as of the least authority. Amidst all the precedents, he desired to know if they had found one of a Prince of Wales, of full age and full capacity, who had been denied the exercise of the sovereignty, during the known and declared incapacity of the sovereign? One of the precedents the right honourable gentleman had mentioned, leaned rather that way; he meant the precedent in the reign of Edward the Third, where the Prince of Wales, though a minor, was declared regent, in the absence of his father. With regard to what the right honourable gentleman had stated of the quarrel between the Cardinal de Beaufort and the Duke of Gloucester, was that at all in point to the case to which the right honourable gentleman had so invidiously applied it? What was that charge? A charge that Cardinal de Beaufort had, in the reign, and during the life-time of Henry the Fourth, advised the Prince of Wales, afterwards Henry the Fifth, to take upon himself the exercise of the sovereign authority. Was there the smallest degree of analogy between the illness of Henry the Fourth, and the known cause of the incapacity of our present sovereign? Henry the Fourth was afflicted with a languor, the natural concomitant of age, and, in his case, the consequence of a fever and long sickness; but was Henry the Fourth, therefore, incapacitated from the exercise of the sovereign authority? By no means: he might not be able to meet his parliament, but, most undoubtedly, he was not disabled from executing public business of any other nature. He was in full possession of his mental faculties, could

issue his orders, and instruct his ministers, just as well as he had exercised those powers in the fullest vigour of his youth. To advise the Prince of Wales, therefore, under such circumstances, to take upon himself the sovereign authority, was to advise him to be guilty of high treason; and had the Prince of Wales been so advised, and followed the advice, the prince would have been guilty of high treason, and have subjected his life to forfeiture. It was no wonder, therefore, that Cardinal de Beaufort, feeling the weight of such an accusation as that urged against him by the Duke of Gloucester, and knowing the serious consequences to which it led, should such a charge be proved against him, acted wisely in avowing his innocence, standing upon his defence, and desiring to have the matter referred to the judges, that he might be purged of the guilt imputable to so foul an offence.

Upon the present occasion, there had been two assertions of positive right on both sides of the House. On his side, the assertion of the right of the Prince of Wales, being heir apparent, and of full age and capacity, to exercise the sovereign authority during his majesty's infirmity. On that of the right honourable gentleman, the assertion that the prince had no more right to exercise the sovereign authority, under such circumstances, than any other individual subject. He did not understand the invidious dignity he had been exalted to on this occasion, nor could he admit what the honourable and learned gentleman, who spoke last, had been pleased to lay so much stress upon, that any opinion delivered in that House, by so humble and insignificant an individual as himself, or by any member of what rank and degree soever, ought to be made the ground of a proceeding of the House. But, since the right honourable gentleman was determined to make a personal question between them, since he condescended to consider himself his rival, and chose to have recourse to his majority, why would he not try his opinion, and let the question be, "That it is the opinion of this committee, that his royal highness the Prince of Wales, being heir apparent, and of full age and capacity, has no more right to exercise the royal authority, during his majesty's incapacity, than any other individual subject." The right honourable gentleman well knew, that he dared not venture to subject such a question to debate: he well knew, that, with all his majorities, he could not risk it; he well knew, that if he could have so far lost sight of prudence, as to have hazarded such a question, notwithstanding his high character, and his known influence within those walls, there would not have been twenty members who would have supported him in it. In fact, he well knew, that the moment he let such an opinion

escape his lips, it was execrated by all who heard it, and that it had been since execrated, by all who had heard of it, out of doors. What had been the result of this? Conscious of his error, and conscious that so monstrous a doctrine as he had suffered himself, in an evil hour, to deliver, had revolted the public mind, the right honourable gentleman had seized on the first moment that offered, to qualify what he had said, by unnecessarily coming forward with a declaration, that, though he would not admit the Prince of Wales's right to exercise the sovereign authority, during the incapacity of his father, yet he confessed that, on grounds of expediency, and as a matter of discretion, the person to hold the regency ought to be the Prince of Wales, and no other.

This mode of argument, Mr. Fox observed, reminded him of what had passed in that house about thirteen years ago, between an eminent crown lawyer, now the first law character in the kingdom, (the lord chancellor,) and himself. At the time to which he referred, the argument had been the right of this country to tax America, when he had contended, that Great Britain had an undoubted right to tax her American colonies, but, that the exercise of that right would be, in the highest degree, unjustifiable on the part of Great Britain. In answer to this, the great lawyer, with a quaintness peculiar to himself, had said, "I should be glad to know what that right is, which when attempted to be exercised, becomes a wrong." In the present case, the right honourable gentleman had acted upon the converse of the great lawyer's maxim, having pronounced the right a wrong, and then immediately proceeded to exercise it in the most effectual manner. In one point of view only, could he imagine the existence of a right, which, when exercised, might become a wrong; as for instance, the three branches of the legislature, consisting of king, lords, and commons, had a right to authorize and act a moral evil. They might set aside the succession, and deprive the Prince of Wales of his hereditary right to succeed his present majesty; but this enormity could not of right be practised by the two Houses of parliament, independent of the consent of the sovereign, any more than the minister could set himself up in competition with the Prince of Wales, and contest with him, as a claimant, for the regency. For his own part, he could not hesitate to repeat his opinion, that a right attached to the Prince of Wales, as heir apparent, to exercise the sovereign authority, upon the king's incapacity being declared by the two Houses of parliament; the prince's right, however, being all along considered as subject to the adjudication of the two Houses of Lords and Commons. This opinion he had not

changed, nor did he feel the smallest disposition to change it; and, indeed, the honourable and learned gentleman who spoke last, seemed to coincide with his sentiments, for he had, if he understood him rightly, expressly declared, that in case of the demise of the crown, nothing short of an act of exclusion could prevent the prince from succeeding to the throne, and that even nothing short of such conduct as would deservedly warrant an act of exclusion, ought to throw out a Prince of Wales, of full age and full capacity, from the regency. The counter opinion to his was fraught with so many, and such enormous evils, that he was persuaded no moderate man, who considered the subject with the degree of attention that it most undoubtedly merited, would, for a moment, maintain it, either on the ground of right, of discretion, or of expediency. Whatever his opinion was, why should that right be discussed, which had been neither claimed, nor intended to be claimed? That this was the precise state of the fact, was not to be doubted, after the declaration which had been so graciously communicated from the highest authority in another place. Of the manner in which that communication had been made, and the commendation that was due to the exalted personage who made it, he would not say one word; because he would not run the risk of having what was due to merit mistaken for fulsome adulation, and servile flattery. But, the claim thus disavowed, how must the preamble of a bill run, truly to describe the case as it stood at present: "Whereas his royal highness the Prince of Wales has never claimed a right to the regency, it becomes necessary for the lords spiritual and temporal, and for the commons of England, to declare, that his royal highness has no right, and we therefore do hereby declare his royal highness sole regent of these kingdoms." What could prove more ridiculous, than a bill, opening with this language? And so it must be worded, unless they falsified the fact, and made a course of law a ground-work of the bill.

All this difficulty and embarrassment was created, when there was not the smallest occasion for it, since it was the concurrent opinion of all mankind, that the Prince of Wales should be the regent. Why, then, would the right honourable gentleman thus agitate the matter, unless it were for the little purpose of personal triumph? Extremely censurable was the boasting language used upon this occasion, of gratitude to the sovereign, and the strong assertions that such gratitude should be exemplified, by the conduct of those who confessed themselves under personal obligations to the sovereign. Personal attachment was no fit ground for public

conduct, and those who had declared they would take care of the rights of the sovereign, because they had received favours at his hands, betrayed a little mind, and warranted a conclusion, that if they had not received those favours, they would have been less mindful of their duty, and have acted with less zeal for his interest, than if they had not been indebted to him for any favours.

Mr. Fox owned himself indebted to the heir apparent, because he had been pleased, for several years, to favour him with his confidence; but that flattering mark of distinction had not been made the subject of his speeches in that House, nor had he ever considered it as a proper motive for his public conduct. Neither on the present occasion, nor at any time, if he thought the objects of his royal highness incompatible with the public interests, should he think he paid a compliment to the prince, any more than he should think he acted consistently with what was due to his own character, in suffering the consideration of the terms on which he lived with his royal highness to bias him in the smallest degree, or induce him to act contrary to what he, in his conscience, thought most likely to promote the welfare of the public: whereas, the right honourable gentleman appeared to act upon a very opposite principle, and repeatedly introduced the name of the sovereign, though seldom for any other purpose, than an ostentatious display of the confidence reposed in himself. To the house of Brunswick this country stood, in an eminent degree, indebted; and, indeed, few princes ever deserved the love of their subjects more than the princes of that house. Since their accession to the throne, their government had been such as to render it highly improbable, that there should ever be ground for an act of exclusion to pass, to set aside one of their heirs from the succession, or that such a circumstance should ever become a necessary subject of contemplation. If the princes of the house of Brunswick had, at any time, differed with their subjects, it had been only on collateral points, which had been easily adjusted in parliament. No one of the princes of that house had ever made any attempt against the constitution of the country; although, had such a mischievous design been meditated, a party could have been found in existence, and ready to abet them in any scheme, the blackest and most fatal that ever tyrant devised against the liberties or the happiness of his subjects. The love, therefore, of the people was due to the illustrious family on the throne, in so peculiar and eminent a degree, that every circumstance which looked as if it could at any distance endanger the hereditary

right of the house of Brunswick to the succession, ought to be guarded against with peculiar jealousy.

Exclusive of the concurrence of the public voice, not only the spirit of the constitution pointed out the heir apparent as the fittest person to be regent, but the act of settlement might be defeated if his royal highness were passed by, and the doctrince of the right honourable gentleman carried into effect. In adhering to the principles of the act of settlement, there could be no danger. If, as the honourable and learned gentleman had said, there should be a Prince of Wales, whose political principles were so depraved, that, in opposition to his own natural interests, he should have followed the example of Charles the First and James the Second, either, in one instance, indicating a determination to become a tyrant and destroy the liberties of his subject, by subverting the constitution, or in the other, by connecting himself with France and the political enemies of his country, that every thing fatal was to be dreaded from his government, such a Prince of Wales ought to be excluded from the regency, in like manner as he undoubtedly would be excluded from the throne, on the natural demise of his father, or predecessor. But then, the bill of exclusion to pass in such case, must be the work of the legislature complete, and not the act of two branches of the legislature only. Let the committee consider the danger of making any other person regent besides the Prince of Wales! If the two Houses could choose a regent, they might choose whom they pleased; they might choose a foreigner, a catholic (for the law defines not the regent) who, while he held the power of the third estate, might prevail on the other two branches of the legislature to concur with him, alter or set aside the succession, and turn away the house of Brunswick and put them in the situation of the house of Stuart.

He perceived that this doctrine was deemed extravagant, but he meant to put an extravagant case; he had not, however, put an impossible one; let them turn to the favourite period of our history — favourite at least with the other side of the House that day — the reign of Henry VI., and they would find that Richard, Duke of York, took advantage of his power as protector of the kingdom, and actually disinherited the Prince of Wales and the whole line of Lancaster, though they were more nearly allied and had much better pretensions to the crown than the house of York. The same dismal scene which had disgraced our annals at that period, might be acted over again, if the two Houses of parliament ever concurred to subvert the constitution, by assuming to themselves the exercise of the royal prerogative, and arrogating

the right to legislate and make law in the teeth of the statute of the 13th of Charles the Second, which he had, on a former day found occasion to mention, and which not only declared, that the two Houses of parliament could not make laws without the consent and concurrence of the king, but also declared, that whoever should presume to affirm the contrary, should be guilty of high treason, and incur the pains and penalties of a premunire.

To make a law for the appointment of a regent, he considered, so far as it went, as a conversion of the succession to the monarchy from hereditary to elective; and what sort of a constitution that was, which had an elective monarchy, Poland, and the miserable condition of its subjects, sufficiently evinced. The right to make laws rested only in the legislature complete, and not in the concurrence of any two branches of it. Upon that very principle was our constitution built, and on the preservation of it did its existence depend. Were the case otherwise, the constitution might be easily destroyed, because if the two branches could assume the power to make law, they might, in that law, change the genius of the third estate. The present situation of affairs had been compared to the Revolution, but, in fact, it was no way similar. The throne had then been declared vacant, and the rest of the constitution remained. Now, the throne was declared full, but its authority was suspended. At the period of the Revolution, the convention which was then assembled, conscious that they could not make any change in the genius of the monarchy, until they had a head, first restored the third estate, and then defined its power. Whereas the committee were called on to proceed in a different way; first, to new-cast the office, and then to declare the officer. And what must be the situation of a regent elected by that House? He must be a pageant, a puppet, a creature of their own, *sine pondere corpus*, an insult and a mockery on every maxim of government!

Mr. Fox defined the nature and character of the three estates. The constitution supposed each of its three branches to be independent of the other two, and actually hostile; and if that principle was once given up, there was an end to our political freedom. Suppose that the crown and the House of Lords could make laws without the concurrence of the House of Commons, or the crown and the commons independent of the lords, or the two Houses of parliament without the crown; in either case, the constitution was gone. The safety of the whole depended on the jealousy of each against the other; not on the patriotism of any one branch of the legislature, but rather on the separate interests of the three, concurring, through different views, to one general good, the benefit of

the community — a principle congenial to human nature, prone to the extension of power, and to the depression of a rival! All these principles and arrangements would be destroyed by the present project, which would radically alter the government, and of consequence, overturn the constitution.

Mr. Fox explained the particular powers of the crown to defend itself against any encroachment on the part of the commons, or to resist any faction in the House of Lords. In the one case, by a dissolution, the king might resist the attempt on his prerogative, and by an encrease of the peerage, he might quell the other. The power of giving either an assent or dissent from any bill, operated equally against the single design of one, or the confederate union of both Houses to trench on the constitutional rights of the crown; and, great as obvious was the disadvantage of subjecting the sovereign to such difficulties, as he would be liable to encounter, were the power of dissolution, of encrease of peerage, and of the right of giving the assent or dissent to bills taken away. If there was to be a monarch, the monarchical power ought to be entire; and, for this indisputable reason; because the name and rank of a king, without the possession of regal powers, was a being which did not come within the reach of human conception. If it appeared to the House that the royal prerogative ought to be circumscribed, let them invest a proper person with it, and then openly and manfully contend for the circumscription or diminution of its powers; but to aim at an adversary incapable of resistance was neither brave nor noble.

Mr. Fox pointed out the danger of making the regency elective, and of the two Houses setting aside the hereditary right to it; insisting that the possession of the crown, and of the executive authority, must, in the nature of things, be governed by the same principles. In order to illustrate this, he put the case of a Polander asking an Englishman whether the monarchy of Great Britain was hereditary or elective? Any man familiar with the theory of the constitution would naturally think, that the ready answer would be that it was hereditary. But if the doctrine of that day prevailed, the answer must be, "I cannot tell; ask his majesty's physicians. When the king of England is in good health, the monarchy is hereditary; but when he is ill, and incapable of exercising the sovereign authority, it is elective." The assertion, that the British monarchy was elective, was, however, so palpably hostile to the principles of the constitution, that it would not be tolerated for a moment. How, then, was the difficulty to be surmounted? A subtle and politic lawyer might be found, who would plausibly advance, that though it must be allowed that the monarchy was here-

ditary, the executive power might be elective. Thus, the crown and its functions might be separated, as if they were in their nature distinct, whereas, the one was the essence, and the other the name. Mr. Fox here pursued his argument in an hypothetical dialogue between the Englishman and the Pole, with the occasional aid of the politic lawyer, to reconcile contradictions and explain apparent impossibilities, ridiculing the argument of the gentlemen of the long robe, that the political, as well as the natural capacity of the king, remained whole and entire, although he was declared incapable of exercising his regal functions. If the crown was to have no functions, why there should be a king, was beyond his imagination to discover. The legal metaphysics which distinguished between the crown and its functions, were to him unintelligible. The investigators should be schoolmen and not statesmen, fitter for colleges of disputation, than a British House of Commons, if a question that so deeply involved the existence of the constitution, were to be thus discussed: and, where was that famous *dictum* to be found, that expressly described the crown as guarded by such sanctity, and left its powers at the mercy of every assailant?

Having contended, that such was the absurdity of legal metaphysics, and called upon the gownsmen to shew him the *dictum* which supported the opposite assertion, that the Prince of Wales had no more right to exercise the sovereign authority during his majesty's incapacity, than any other individual subject, Mr. Fox adverted to a part of the argument advanced against him, and including an allegation, that he had deserted the cause which he had heretofore been supposed to claim the peculiar merit of standing forth on all occasions to defend; and thus manifested an inattention to the privileges of the House of Commons, against the encroachments of the prerogatives of the crown. Upon this occasion, Mr. Fox remarked, that his own resistance against the latter, when it had been thought encreasing unconstitutionally, were well known. The influence of the crown had been more than once checked in that House, and he really believed, to the advantage of the people. Whenever the executive authority was urged beyond its reasonable extent, it ought to be resisted, and he carried his ideas on that head so far, that he had not scrupled to declare, that the supplies ought to be stopped, if the royal assent were refused to a constitutional curtailment of any obnoxious and dangerous prerogative. Moderate men, he was aware, thought this a violent doctrine; but he had uniformly maintained it; and the public had derived advantage from its having been carried into effect. He desired to ask, however, if this was an oc-

casion for exercising the constitutional power of resisting the prerogative or the influence of the crown in that House? He had ever made it his pride to combat with the crown in the plentitude of its power and the fullness of its authority; he wished not to trample on its rights, while it lay extended at their feet, deprived of its functions, and incapable of resistance. Let the right honourable gentleman pride himself on a victory obtained against a defenceless foe! Let him boast of a triumph where no battle had been fought, and, consequently, where no glory could be obtained! Let him take advantage of the calamities of human nature; let him, like an unfeeling lord of the manor, riot in the riches to be acquired by plundering shipwrecks, by rigorously asserting a right to the waifs, estrays, deodands, and all the accumulated produce of the various accidents which misfortune could throw into his power! Let it not be my boast, said Mr. Fox, to have gained such victories, obtained such triumphs, or availed myself of wealth so acquired!

Mr. Fox declared, that all the labour of the committee appointed to search for precedents had been fruitless, for that not one of the precedents applied. If they tended to prove any thing, it was to establish the prince's right: since, in all of them, the nearest relative to the crown, if in the kingdom, had been appointed the regent, and especially a Prince of Wales. In the reign of Edward the Third, his son, commonly called the Black Prince, was declared regent, at only thirteen years of age, during the invasion of France by his father; and, afterwards, during the absence of Edward and the prince, his brother, Lionel, Duke of Clarence was appointed. The regencies in the reign of Henry the Sixth proved the right of the Prince of Wales the more fully, because, in that reign, the right of the Prince of Wales was recognized, although he was not a year old, in the very patent which appointed the Duke of York protector. Mr. Fox now observed, that an honourable gentleman had, in the course of the debate, chosen to remark, that the right honourable the chancellor of the exchequer stood higher in the opinion of the public, at present, than he did. Before any gentleman took upon himself to pronounce on such topics, he ought to be sure that he was right in his assertion. He had every reason to believe, that the honourable gentleman was mistaken in what he had asserted, having lately had an opportunity of meeting his constituents, and having then received the most unequivocal and flattering proofs of their confidence and kindness. He agreed, however, most cordially with that honourable gentleman, in every observation that he had made, of the probable effects of the present motion, if persisted in,

with regard to Ireland, and the creation of a difference between the two Houses of parliament. With respect to Ireland, if the two Houses of the British parliament named the Prince of Wales as regent of right, most probably, the parliament of Ireland would do the same; if they speculated, the Irish parliament would speculate. Let them decide wisely, and their decission would be followed, as an example. If the question of right was but once set afloat, it would become impossible to say to what extent it might be carried.

Mr. Fox said he would again call in question the necessity for the present proceeding, and urge the fallacy of pretending, that the opinion, which he, as a private member of that House, had delivered, and the opinion, which his noble and learned friend (Lord Loughborough) had delivered elsewhere, made it necessary. He reprobated the indecency of selecting the arguments of his noble and learned friend, and falsely applying them merely for the purpose of placing them in a ridiculous point of view. The right honourable gentleman must have known, that the arguments of his noble and learned friend were arguments merely advanced to prove that the Prince of Wales, as Prince of Wales and heir apparent, had rights peculiar and distinct from those of ordinary subjects, and not with a view to prove his right to exercise the sovereign authority. The manner, therefore, in which the right honourable gentleman had answered those arguments betrayed a narrowness of mind which he had not imagined the right honourable gentleman would have condescended to have acknowledged.

Mr. Fox desired to know the use of bringing forward a question of right, when the expediency of constituting the Prince of Wales regent was, on all hands, agreed upon. He charged the right honourable the chancellor of the exchequer with a determination to legislate, without the power to do so effectually, which would alter the genius of the third estate, without any crime alleged against either the sovereign, declared, for the present, incapable to exercise the royal authority, or the intended regent. If they could make whom they pleased regent, they could appoint the regent for a day, a month, or a year, turning the monarchy into a republic as had been the case with Rome. And while the right honourable gentleman denied, that the Prince of Wales had any more right than he himself had, he confessed it would be a breach of duty to think of any other regent, — and all this for the paltry triumph of a vote over him, and to insult a prince, whose favour he was conscious he had not deserved!

Mr. Fox declared he was ready to admit, that the right honourable gentleman's administration had been, in some re-

spects, entitled to praise; he was ready to say what were the parts that, in his opinion, most deserved commendation, and as willing to give them his applause as any member of that House. What he alluded to, were the measures adopted to detach Holland from its connection with France. The whole conduct of that transaction, as well as its issue, was wise and vigorous, laudable and effectual, and he was happy to take that opportunity of delivering his sentiments concerning the right honourable gentleman's ministerial conduct upon that occasion. Of his other measures, he certainly entertained a very different opinion. The right honourable gentleman, however, appeared to have been so long in the possession of power, that he could not endure to part with it: he had experienced the full favour of the crown, and enjoyed the advantage of exerting all its prerogatives; and, finding the operation of the whole not too much for the successful carrying on of the government, he had determined to cripple his successors, and deprive them of the same advantages which he had possessed; and thus circumscribe their power to serve their country; as if he dreaded that they would shade his fame. Let the right honourable gentleman, for a moment suppose, that the business of detaching Holland from France, or any contingency of equal importance, remained to be executed; he must know, that there would be no power in the country to seize the advantage, if the right honourable gentleman's principles were right. For his own part, Mr. Fox declared, that he could not avoid calling most fervently upon every honest member of that House not to vote without perfectly understanding what the question went to, as well as the other resolutions. With regard to the right honourable gentleman's motives, he knew not what they were; but if there was an ambitious man in that House, who designed to drive the empire into confusion, his conduct, he conceived, would be exactly that which the right honourable gentleman had pursued.

The resolutions moved, appeared, in his opinion, insidiously calculated to convey a censure on the sentiments which he delivered, while they served as an instrument of evasion of an assertion, highly revolting to the public mind, made by the right honourable gentleman himself. This he reprobated, as a pitiful shift, totally irreconcileable with the confidence which the right honourable gentleman placed in the expectation of a majority. In majorities, Mr. Fox declared he had no great trust; he had for many years had the mortification to find himself in a minority in that House; and yet, upon a change of situation, he had generally found, that the majority, who had before divided against him, divided with him. For more than eighteen years of his political life had he been obliged to stem

the torrent of power, and sometimes he had enjoyed the satisfaction of finding himself in a majority of the same parliament, of which, in the prosecution of the same principles and the declarations of the same designs, he had before been only supported by a minority.

The question was then put upon the motion made by Lord North; when there appeared Yeas 204: Noes 268. The second and third resolutions were then severally put, and carried without farther debate. On the 18th, the House adjourned on account of the illness of Mr. Fox, to the day following; when Mr. Pitt being called upon to inform the House more distinctly of the mode of proceeding he intended to adopt, stated, that as, in contemplation of law, his majesty's political capacity was entire, he should propose, that their proceedings should be under the royal authority, delegated by a commission under the great seal. That commissioners so appointed should open the parliament in the name of his majesty, in the usual form, and afterwards give the royal assent to such bills as might be passed by the two Houses, for appointing a regent to exercise so much of the royal authority as was necessary to be exercised during his majesty's indisposition. This he conceived to be the only mode of proceeding that could be adopted consistently with the principles of the constitution. The report from the committee being then brought up, and the first resolution read and agreed to, the second was objected to, and it was moved, by way of amendment, first, that the word "right" should be left out of the resolution; and afterwards, that instead of the words "in such manner as the exigence of the case may require" the following should be inserted, "by presenting an address to the Prince of Wales, heir apparent, and of full age, beseeching him to take upon himself the administration of the civil and military government of the country, during the indisposition of his majesty, and no longer." These amendments were moved by Mr. Dempster and Mr. Powys, and negatived without a division. The third resolution being then read, Mr. Dempster again moved an amendment upon it, the debate on which was adjourned to the twenty-second.

December 22.

The order of the day being moved, for resuming the adjourned debate, the Speaker read the motion which had been made by Mr. Dempster for the amendment to the third resolution. The Resolution of the committee stood thus: "Resolved, That for this purpose, and for maintaining entirely the constitutional authority of the king, it is necessary that the said lords spiritual and temporal, and commons, of Great Britain, should determine on the means whereby the royal assent may be given in parliament to such bill as may be passed by the two Houses of parliament, respecting the exercise of the powers and authorities of the king, during the continuance of his majesty's present indisposition." The amendment was to leave out from the word "determine," to the end of

the said resolution, in order to insert these words, "Humbly to address his royal highness the Prince of Wales, to take the care of the administration of the civil and military government of the kingdom, during the continuance of his majesty's indisposition, and no longer." After the amendment had been opposed by the solicitor-general Sir John Scott, and supported by Mr. Burke, Sir John Aubrey, Lord Fielding, and Lord North,

Mr. Fox rose. He said that he would treat the important subject before the House in as short a manner as possible, but if he should be obliged to detain them for any length of time, they must impute it as much to the extraordinary doctrines which had been thrown out that night, as to the anxiety which he might have to press his own opinions upon their attention. He wished to have had an opportunity of speaking immediately after the honourable and learned gentleman, the solicitor-general, whose doctrines had struck him as highly inconsistent with the conclusions which he had drawn from them; and whose whole train of reasoning on the subject was, in his mind, enveloped in a nice kind of legal metaphysics, admirably calculated to confound the plain understandings of unlearned men, but which, when stripped of its covering, would appear to be totally inapplicable to the subject.

There were two positions of the honourable and learned gentleman which he was particularly anxious to recall to the memory of the House, and which in all that he should have occasion to dwell upon, he begged gentlemen to bear in mind, and carry with them. The first was a general maxim, implying, "that the power which necessity creates necessity also limits." The second was, "that in this and every other exigency, the two Houses of parliament were bound to search for, discover, and act by what is the law, according to the forms of the constitution." These two principal points in the honourable and learned gentleman's speech he wished to carry in his mind, and to reason from; and acting upon the last of these doctrines, he agreed, that it was a fundamental duty to enquire and ascertain the distinction between the powers of the House in what they could do by resolution and address, and what they could do by bill; that was to say, what they could do as a complete and distinct proceeding of their own, independent of the other branches of the legislature; and what they could do, as making a part of, and in conjunction with the other two Houses of parliament. That this was their duty he perfectly agreed with the honourable and learned gentleman; and he was equally disposed with him to hold sacred and to regard the forms of the constitution: but he held them sacred only in so far as they were the outguards

and protectors of the main body of the constitution. The moment that they ceased to be the guardians, and became the betrayers, he could no longer venerate the forms, but must instantly refer to the substance and essence of the constitution. If a violent infringement should be made on any of the fundamental principles of the system which they all professed to revere, and this attack were made under the specious disguise of the outward forms of the constitution which it was intended to undermine, could he hesitate for a moment which party he was to take, that of the forms, or that of the substance? There could not be a moment's delay, and he therefore in the present discussion felt it to be his first duty to enquire whether the measures now proposed were not in direct hostility to the principles of the constitution, while by miserable juggle and a fraud they pretended to be consistent with the forms.

For his own part, he should conceive, that in the present exigency there were three courses to be pursued, of which, whether that proposed in the amendment by the honourable gentleman (Mr. Dempster) might be the best or not, that proposed by the right honourable the chancellor of the exchequer was manifestly the worst. And this he thought he should be able to make evident, even taking the matter up on the right honourable gentleman's own ground—the hollow, miserable, and defective ground of precedent. That of king Henry VI. had been most particularly insisted on. Now, though he could not allow that the minority of a king, with the temporary incapacity from disease, were analogous, he would not hesitate to examine the precedent of Henry VI. and compare it with the present. On the death of Henry V. a commission was issued under the great seal, appointing the Duke of Gloucester to the regency, with full powers to exercise the royal authority, and to use his discretion fully and freely in trust for the minor king. By this first step, the third estate was restored before the two Houses took upon them to do any one act in the shape of legislation; and the regent being thus vested with the full exercise of the prerogative, the parliament was able to confirm by one act the first measure of the issuing of the commission. If that proceeding had been followed in the present case, would our situation have been the same as it then was, or as it would be if the measure proposed by the right honourable gentleman were adopted? By that measure, it was proposed, that, instead of the lineal successor, invested with full discretion, the two Houses should nominate and invest a creature of their own, not with discretionary power, but with a ministerial authority to affix the great seal to whatever they should chuse to pass. The pre-

cedent of Henry VI. militated directly against the course now proposed. That precedent clearly went to the nomination of the next lineal successor to the crown, and to his investment with all the functions of royalty, whereas, the proposed course was to set up an intermediate person, out of the line of succession, and to take from him all discretion. The absurdity of this proceeding was equal to its indecency. This creature of the two Houses was to be bound to give the royal assent. Was it ever heard of, or imagined before, that there could be a power of giving assent without a power also of dissenting? The very term demonstrated the absurdity. A person's consenting to a thing evidently implied that he had the power not to consent. There was a person to be set up without power, without discretion, and yet this pageant was to give the form of a parliamentary act to the proceedings of the two Houses. By the precedent in the commencement of the reign of Henry VI. the regent was invested with the power of the royal negative, and with the corresponding and essential powers of proroguing or dissolving, and of convening parliaments. By this, in the first instance, the three estates were restored to their several functions, and the parliament being made complete, they were able, by an act of legislation, to justify and legalize the measure by which they were thus established. The precedent of Henry the Sixth then pointed out to the House these two important facts: 1. That the power was given, in the first instance, to the next in succession to the crown; and in this nomination, the full, absolute authority of the sovereign was entrusted to him. 2. That, though afterwards limitations were put to the duke's exercise of the prerogative, the limitations were made in full parliament, when the duke constituted the third estate, and when from each of the bills restraining his authority, he might have withholden his assent.

These two historical facts were contained in this precedent, and though the Duke of Gloucester afterwards complained of the limitations which were made, his complaint was unjust, since they were made with his known consent. He was by no means of opinion, that the precedent of Henry the Sixth would bear him out as a guide which they ought to follow: but, there was one point which it forcibly demonstrated, that in vesting the royal authority in the next in succession, our ancestors clearly understood that they were acting consistently with the spirit of the constitution. The particulars of the case were curious. On the death of Henry the Fifth, the Bishop of Durham, then lord chancellor, delivered the great seal into the hands of the infant king, then nine months old, and the Duke of Gloucester, of his own authority, delivered it

into the hands of the master of the rolls, by whom it was used. This was rather a strong measure; and yet in the parliament which succeeded, although acts of indemnity were passed for almost every other measure, yet no act of indemnity was passed for this: so convinced were our ancestors of that day of the propriety of vesting the royal authority in the next line of succession.

Upon this occasion he was ready to acknowledge, that he could not put any value on the subsequent acts of the parliament of that miserable reign. They, who proceeded to lengths so astonishingly absurd as to declare the minor king fit to reign at the age of eight, and again at the age of nine, and who declared him incapable to reign when he came to the age of thirteen, could not be referred to as models either of wisdom or consistency; but this he asserted, that all their proceedings tended to shew, that though they would not make for his argument, they were directly and strongly against that of the right honourable gentleman.

Previous to his investigation of the other precedents, he must state, that taking them altogether, they served to divide the subject in two parts, and to elucidate two natural points, as principles of the constitution. 1. That no man ever was to hold the regency in trust for the crown, but the next in succession. And, 2. that no man was to hold it but with the powers incidental to the office; that was, with the powers constitutionally belonging to the crown. These two principles the precedents all contributed to demonstrate and strongly inculcate, except in cases where the adherence to them was impracticable. Was there in the present emergency any reason for departing from this safe and constitutional course? And yet, what was the measure to be pursued? A commission was to be granted to a person—not to the Prince of Wales; not to any branch of the royal family; and by this commission, this person was to be created into the third estate of the realm, without possessing one of the functions of that estate.

Would the advocates of such measures take upon themselves to ascertain whether the two Houses had any such power, which they could derive either from precedent, from analogy, from the letter, or from the spirit of the constitution? No point could be more distinct and more clearly defined, than the powers and proceedings of the two Houses, taken individually, and the powers and proceedings of the three estates in conjunction; and yet, in all the agitation of this matter, they had been industriously confounded. In speaking, therefore, of their separate powers, he would distin-

guish between them thus: when speaking of the two Houses by themselves, he would call them the two Houses of parliament; when speaking of the three estates, in their ample form, he would call them the legislature. It would not be denied, it would not be disputed, that the powers of these bodies were completely distinct; and they surely were not to draw precedents from the acts of the legislature for the government of the two Houses: yet, all the precedents on which they were now called upon to proceed, were acts of the legislature; and they were not to be considered, at this moment, as any other than a convention of the two Houses of parliament. As they were not the legislature, they were not to look for precedents of the legislature. They could be instructed only by precedents in the proceedings of the two Houses of parliament, when deprived of the third estate.

Most undoubtedly the convention at the Revolution was the only place to which they could truly look for such a precedent. On this subject he wished to be clearly understood. If the distinction which he drew in this case was capricious and unfounded, he would throw himself open to correction; but, it was a distinction which in his mind had great weight, and which should be seriously considered, when the precedent was brought to bear in the present instance. He declared then, that the case of necessity at the Revolution was a necessity not proceeding from accident, but from real danger. The vacancy of the throne did not proceed from the malady of the king, as afflicted by Providence, but from the violent infringements which the king had made on the liberties of the people, by which their allegiance from him had been constitutionally withdrawn; and in the tumult he had fled from their just vengeance. Thus outraged and injured, threatened with a foreign enemy in support of a tyrant, there was a necessity in which all forms must give way to the substance and essence of the constitution. They had not in that necessity the choice of conduct. Their first, bounden, constitutional duty, was to protect themselves against the danger which threatened; and therefore he assumed it as an uncontrovertible position, that what they did under the immediate pressure of this necessity, did not and could not apply to the present necessity. Why? Because the cases were in no degree parallel. Our liberties had not been infringed by the monarch, and they were not threatened by any pretender; nor did France, or any other foreign state, meditate any attack in support of any forfeited right. In the present instance, there was an interruption occasioned by the temporary derangement of the king, while the empire enjoyed a complete peace, and there was an heir apparent of ripe age, and of perfect qualification.

The two cases of necessity were not similar, and the proceedings of the convention, springing from the necessity, did not apply; but he was ready to acknowledge, that every proceeding of theirs which could be referred to free-agency, and in which they were not shackled by the dangers that surrounded them, did apply to the present case.

Arguing on these two preliminary positions, if it should be said that the convention overlooked the line of hereditary succession, passed over the claim of the Prince of Wales, if there was any Prince of Wales, and also the right of Queen Mary, his answer would be, that in doing so, they acted under the pressure of the necessity, well knowing that they could only preserve to the kingdom its liberties and constitution, by putting the crown into the hand of a person able to defend and protect them. Their election of King William, therefore, he thought an act of positive necessity, which did not apply to the present case. The mode of their electing him he considered as an act of discretion, and that, therefore, did apply. King William, with all his great and glorious qualities, certainly did not possess such a knowledge of our constitution as to have had in his mind any preference as to the manner in which the crown should be conferred on him. His education, chiefly military, did not lead him much to the discussion of the forms of our parliamentary proceeding; and whether it came to him by declaration of the two Houses, by address, or by an act passed with the affectation of legal forms, was a matter which he believed would have been indifferent to him, and therefore he took it for granted that the convention acted from their own volition. And how did the two Houses act? They might have ordered a new great seal to be made; they might have created a pageant, and giving to themselves the empty form, without the reality or the essence of a perfect parliament, they might have committed an insulting fraud, and in the mere mockery of legislation have passed an impotent act, conveying to King William the crown. But, knowing and feeling the distinct powers possessed by the two Houses, and possessed by the legislature; knowing that their organs were distinct, and that their proceedings could not be confounded, nor mistaken the one for the other; knowing that the two Houses could by their organization act only by resolutions and addresses, and that the legislature could again act only by bill and statute, the convention proceeded by that course which was consistent with their functions—by address. Here was a precedent in the Revolution, applicable to the present case. Address the Prince of Wales to take upon him the exercise of the royal authority, and thus by one step making the legislature complete, the course to be pursued was easy and palpable; pass an act to quiet the minds

of the people, as to the informality of the first measure. He further illustrated the analogy of this part of the precedent of the Revolution, by stating that the convention divided the grievances of which they complained into two classes; 1. proceeding from the violation of the laws, by the tyranny of King James the second: 2. proceeding from the inadequacy of the laws to the protection of the subject. The first the two Houses thought themselves warranted to declare, and properly considered a declaration of their rights to be sufficient. The second they as properly left to the legislature, well knowing that they could only be provided for by remedial laws. Upon the whole, therefore, he felt himself warranted to assert, that, reviewing these two precedents, he discovered that the precedent of Henry the sixth, if it did not make exactly for him, made directly and totally against the right honourable gentleman. That of the Revolution clearly and intelligibly pointed out to the two Houses the measure of an address, as the true, constitutional mode of supplying the king's incapacity.

And yet, it was not solely by viewing the constitution in its spirit, that they were taught to avoid the monstrous error of the two Houses attempting to legislate. The 13th of Charles the second expressly declared, that the two Houses could not make laws without the king. Oh! but, said the honourable and learned gentleman, this statute could not apply; for the king, though at present rendered incapable, had still, in the eye of the law, all his political capacity, and the throne was to all intents and purposes full. The throne being full, but the king incapable, what were they to do? To appoint a person who was to give the royal assent to bills to be passed? Indeed! How was this person to know the royal pleasure? Was he to go to Kew to apply to the royal person, whom Providence had deprived of the power of assent or dissent? Human reason revolted from the absurdity! Was there a permanent authoritative council to which he could apply? None. Could he exercise his own will? No: he was deprived of all discretion. To whom then only could he apply? To the two Houses of parliament that gave him being; and thus we had a monster unknown, unheard of in our history! We had, indeed formerly two Houses of parliament, that proceeded first to legislate, and then to act. Had the honourable and learned gentleman been the then solicitor-general, instead of Oliver St. John, he would not have felt himself at any loss to legalize all the proceedings of the long parliament; he would have issued a commission, in the name of the king, and, by the creation of a pageant, have affixed the great seal to each of the ordinances, and having so

done he would have exclaimed, Here are perfect statutes according to law! But the king's name could not be used against the king's authority; and setting up a man of straw, for the purpose of limiting the prerogative, was in fact and truth an infringement and outrage of the royal authority.

He did not mean to combat the doctrine, that the two Houses of parliament were competent, by resolution or address, to supply the present deficiency; but he should beg leave to contend, that if they proceeded farther, if they assumed to themselves powers which belonged to the legislature, and proceeded to legislate, the judges would laugh at their acts; there was not a court in which they would be recognized, nor a corner of the kingdom in which they would have the efficiency of law. Declare the right, or the propriety of the prince's taking on him the exercise of the royal authority; or address him in direct terms to assume it; and parliament will be enabled instantly to put on its legislative authority. Then there would be a third estate, and the executive power would fall into the hands of that person who was most concerned in the preservation of the monarchy; and who by every claim of lineage, of hereditary title, of interest, of constitutional pre-eminence, was pointed out on the emergency to be the regent during the incapacity of his royal father. If instead of this, they proceeded to metamorphose themselves into the form of the legislature, what was there but their own temperance as a security for the most unconstitutional outrages? While they contained themselves within the limits of their true authority, they were safe. The moment they went farther, jeopardy attended every step, and there was no foreseeing what violence and error might ensue.

All this, said the honourable and learned gentleman, is very plausible; but during the life of the king there was no person that could have a right to act for him. Then why did they presume to confer this right on the lord chancellor? "Oh, but we have a right," continued the honourable and learned gentleman, "to make the chancellor do what we please, and to act according to our will; but we have no power to permit the Prince of Wales to act according to his will." By this doctrine, they had the power to appoint themselves regents, but no power to appoint the heir apparent. Monstrous and indecent incongruity!

Upon this occasion, he should freely admit, that by addressing the Prince of Wales to take upon him the exercise of royal authority, they did an informal act; but it was an act which the necessity of the case was sufficient to justify. To make the chancellor put the great seal to the proposed commission

was also informal. Let the two acts be examined and compared. Do the first, and the prince instantly holds the parliament, the legislature is complete, and the informal act may be ratified. If the chancellor puts the great seal to whatever bill the two Houses shall pass, not a step is gained; for the remedy itself is also unconstitutional and inefficient. You propose one means, we propose another. Our proposition instantly re-produces legislature; yours, a monster unknown to the constitution. We do all that the necessity requires; you do infinitely more; and here we come to the maxim, that the power which necessity creates necessity also limits. We do but one informal act; you, two or more. You proceed to chuse an inconvenient regent for the purpose of getting at the convenient regent, whom we reach at once. We proceed to limit his power, if it must be limited, legally, when the legislature is complete. You proceed to do this, when there exists in the country no power that is competent to the measure. You do that by a fraud and a fiction, which we do constitutionally and legally. We do that with the perfect organs of the legislature, which you cannot do without breaking through the real functions of the two Houses of parliament.

Mr. Fox concluded with some observations on the words of the resolution. He had, he said, in the course of this discussion, thrown out an opinion, that a right attached to the heir apparent to exercise the functions of royalty, during the incapacity of the king, and that the two Houses should recognize this right, and put him in possession of it. In opposition to this opinion, the two Houses had come to a resolution, that they alone possessed the right of nominating to the regency; but at the same time declaring they thought the prince the most proper person to be appointed. Bowing to their decision, he now wished them to go on, and to appoint the prince regent. Instead of this, what was the language and spirit of the next resolution? That they have no right, that they cannot appoint him. They must first do what never was done before in the history of this country; they must first form themselves into a legislature. Thus they first make a declaration of a right purely abstract; and having made it, they shrink from the exercise of the right they have arrogated. He then warned the House against the adoption of specious pretexts, by which, under the colour of original principles, they were to assume powers inconsistent with the spirit of the constitution. There was no way so certain of bringing the popular branch of the legislature into popular odium, as by deviating from the precise path marked out for it in the constitution, and straying within the limits of the other two, which it was their duty to watch, but never to invade.

The question being put, that the words proposed to be left out stand part of the said resolution, the House divided:

	Tellers.			Tellers.	
YEAS	Mr. Neville, Mr. Steele	251.	NOES	Mr. Grey, Lord Maitland	178.

The amendment was consequently lost. The original resolution was then put and agreed to; and the three resolutions were ordered to be delivered to the Lords at a conference, and their concurrence to be desired.

On the 29th of December, Mr. Cornwall, Speaker of the House of Commons, was seized with a dreadful illness, which, four days after, viz. on the 2d of January 1789, ended in his death. The House meeting on the 5th, Mr. William Wyndham Grenville*, was proposed by the friends of ministers as his successor, and Sir Gilbert Elliot by opposition: the election was carried in favour of the former, by a majority of 215 to 144.

January 6. 1789.

The preliminary subjects having been discussed by both Houses, Mr. Pitt, before he explained to parliament the plan which he had formed for the constitution of a regency, submitted its outlines to the Prince of Wales, in the following Letter:

"Sir,

"The proceedings in parliament being now brought to a point, which will render it necessary to propose to the House of Commons, the particular measures to be taken for supplying the defect of the personal exercise of the royal authority, during the present interval, and your royal highness having some time since signified your pleasure, that any communication on this subject should be in writing, I take the liberty of respectfully entreating your royal highness's permission to submit to your consideration the outlines of the plan, which his majesty's confidential servants humbly conceive (according to the best judgment which they are able to form) to be proper to be proposed in the present circumstances.

"It is their humble opinion, that your royal highness should be empowered to exercise the royal authority in the name and on the behalf of his majesty, during his majesty's illness, and to do all acts which might legally be done by his majesty; with provisions, nevertheless, that the care of his majesty's royal person, and the management of his majesty's household, and the direction and appointment of the officers and servants therein, should be in the queen, under such regulations as may be thought necessary.—That the power to be exercised by your royal highness should not extend to the granting the real or personal property of the king, (except as far as relates to the renewal of leases), to the granting any office in reversion, or to the granting, for any other term than

* The present Lord Grenville.

during his majesty's pleasure, any pension, or any office whatever, except such as must by law be granted for life, or during good behaviour; nor to the granting any rank or dignity of the peerage of this realm to any person except his majesty's issue who shall have attained the age of 21 years.

"These are the chief points which have occurred to his majesty's servants. I beg leave to add, that their ideas are formed on the supposition that his majesty's illness is only temporary, and may be of no long duration. It may be difficult to fix beforehand, the precise period for which these provisions ought to last; but if unfortunately his majesty's recovery should be protracted to a more distant period than there is reason at present to imagine, it will be open hereafter to the wisdom of parliament, to reconsider these provisions, whenever the circumstances appear to call for it.

"If your royal highness should be pleased to require any farther explanation on the subject, and should condescend to signify your orders, that I should have the honour of attending your royal highness for that purpose, or to intimate any other mode in which your royal highness may wish to receive such explanation, I shall respectfully wait your royal highness's commands. I have the honour to be, with the utmost deference and submission, Sir, your royal highness's most dutiful and devoted servant,

Downing Street, Tuesday Night, "W. PITT."
December 30, 1788.

On the 1st of January the following Answer was delivered by his royal highness to the lord chancellor, to be conveyed to Mr. Pitt:

"The Prince of Wales learns from Mr. Pitt's letter, that the proceedings in parliament are now in a train, which enables Mr. Pitt, according to the intimation in his former letter, to communicate to the prince the outlines of the plan which his majesty's confidential servants conceive to be proper to be proposed in the present circumstances.

"Concerning the steps already taken by Mr. Pitt, the prince is silent. Nothing done by the two Houses of parliament can be a proper subject of his animadversion; but when, previously to any discussion in parliament, the outlines of a scheme of government are sent for his consideration, in which it is proposed that he shall be personally and principally concerned, and by which the royal authority, and the public welfare, may be deeply affected, the prince would be unjustifiable, were he to withhold an explicit declaration of his sentiments. His silence might be construed into a previous approbation of a plan, the accomplishments of which every motive of duty to his father and sovereign, as well as of regard for the public interest, obliges him to consider as injurious to both.

"In the state of deep distress in which the prince and the whole royal family were involved, by the heavy calamity which has fallen upon the king, and at a moment when government, deprived of its chief energy and support, seemed peculiarly to need

the cordial and united aid of all descriptions of good subjects, it was not expected by the prince, that a plan should be offered to his consideration, by which government was to be rendered difficult, if not impracticable, in the hands of any person intended to represent the king's authority, much less in the hands of his eldest son—the heir apparent of his kingdoms, and the person most bound to the maintenance of his majesty's just prerogatives and authority, as well as most interested in the happiness, the prosperity, and the glory of the people.

"The prince forbears to remark on the several parts of the sketch of the plan laid before him; he apprehends it must have been formed with sufficient deliberation to preclude the probability of any argument of his producing an alteration of sentiment in the projectors of it. But he trusts, with confidence, to the wisdom and justice of parliament, when the whole of this subject, and the circumstances connected with it, shall come under their deliberation.

"He observes, therefore, only generally on the heads communicated by Mr. Pitt—and it is with deep regret the prince makes the observation, that he sees in the contents of that paper, a project for producing weakness, disorder, and insecurity in every branch of the administration of affairs,—a project for dividing the royal family from each other—for separating the court from the state; and therefore, by disjoining government from its natural and accustomed support, a scheme for disconnecting the authority to command service, from the power of animating it by reward; and for allotting to the prince all the invidious duties of government, without the means of softening them to the public, by any one act of grace, favour, or benignity.

"The prince's feelings on contemplating this plan, are also rendered still more painful to him, by observing that it is not founded on any general principle, but is calculated to infuse jealousies and suspicions (wholly groundless, he trusts) in that quarter, whose confidence it will ever be the first pride of his life to merit and obtain.

"With regard to the motive and object of the limitations and restrictions proposed, the prince can have but little to observe. No light or information is offered him by his majesty's ministers on these points. They have informed him what the powers are which they mean to refuse him, not why they are withheld.

"The prince, however, holding as he does, that it is an undoubted and fundamental principle of this constitution, that the powers and prerogatives of the crown are vested there, as a trust for the benefit of the people; and that they are sacred only as they are necessary to the preservation of that poise and balance of the constitution, which experience has proved to be the true security of the liberty of the subject—must be allowed to observe, that the plea of public utility ought to be strong, manifest, and urgent, which calls for the extinction or suspension of any one of those essential rights in the supreme power or its representative; or which can justify the prince in consenting, that in his person an experiment shall be made, to ascertain with how small a portion

of the kingly power the executive government of this country may be carried on.

" The prince has only to add, that if security for his majesty's re-possessing his rightful government, whenever it shall please Providence, in bounty to the country, to remove the calamity with which he is afflicted, be any part of the object of this plan, the prince has only to be convinced that any measure is necessary, or even conducive to that end, to be the first to urge it as the preliminary and paramount consideration of any settlement in which he would consent to share.

" If attention to what is presumed might be his majesty's feelings and wishes on the happy day of his recovery, be the object, it is with the truest sincerity the prince expresses his firm conviction, that no event would be more repugnant to the feelings of his royal father, than the knowledge, that the government of his son and representative had exhibited the sovereign power of the realm in a state of degradation, of curtailed authority and diminished energy — a state, hurtful in practice to the prosperity and good government of his people, and injurious in its precedent to the security of the monarch, and the rights of his family.

" Upon that part of the plan which regards the king's real and personal property, the prince feels himself compelled to remark, that it was not necessary for Mr. Pitt, nor proper to suggest to the prince, the restraint he proposes against the prince's granting away the king's real and personal property. The prince does not conceive, that, during the king's life, he is, by law, entitled to make any such grant; and he is sure, that he has never shewn the smallest inclination to possess any such power. But it remains with Mr. Pitt to consider the eventual interests of the royal family, and to provide a proper and natural security against the mismanagement of them by others.

" The prince has discharged an indispensable duty, in thus giving his free opinion on the plan submitted to his consideration.

" His conviction of the evils which may arise to the king's interests, to the peace and happiness of the royal family, and to the safety and welfare of the nation, from the government of the country remaining longer in its present maimed and debilitated state, outweighs in the prince's mind, every other consideration, and will determine him to undertake the painful trust imposed upon him by the present melancholy necessity (which of all the king's subjects he deplores the most), in full confidence, that the affection and loyalty to the king, the experienced attachment to the house of Brunswick, and the generosity which has always distinguished this nation, will carry him through the many difficulties, inseparable from this most critical situation, with comfort to himself, with honour to the king, and with advantage to the public.

(Signed) " G. P."

Carlton House, January 1. 1789.

Mr. Pitt having given notice that he should this day propose to the House the restrictions, within which the exercise of the regal power should be granted to the regent, Mr. Loveden, the member for Abingdon, rose as soon as the order of the day was

read, and moved, "That a considerable space of time having elapsed since the examination of the physicians, with respect to the state of his majesty's health, it is necessary to know whether any alteration or amendment has taken place, and therefore, that the physicians be called upon to inform this House if the present symptoms are such as give reason to hope for the king's speedy recovery." This motion gave rise to a warm debate. As an entire change in the ministerial offices of government was considered as one of the immediate consequences of the appointment of the Prince of Wales to the regency, the restrictions which Mr. Pitt had declared his intention of moving, could not fail to weaken and embarrass in a considerable degree the new administration, and as the propriety of these restrictions was contended for upon a presumption of the speedy recovery of the king, the contending parties caught with great eagerness at some little difference of opinion relative to that point, which prevailed amongst the medical gentlemen who attended him. In the course of the debate, Mr. Pitt treated the opinion of Dr. Warren, who was less sanguine in his expectations of an immediate recovery than others, as if it had been dictated by a partiality to the rising administration; and he insinuated, that from the warmth with which that opinion was taken up and defended on the other side, it looked as if those gentlemen spoke from their wishes.

Mr. Fox observed, that although the question for reading the order of the day met with his concurrence, he still rejoiced that the honourable gentleman had made his motion, because he thought the discussion which it had occasioned was extremly proper, and because it was undoubtedly necessary that they should have some precise knowledge of the state of his majesty's health, previous to their deliberations as to what might or might not be fit restrictions to impose on the regent. The right honourable the chancellor of the exchequer seemed to go upon the report of the physicians, when they were examined by a committee of that House, and had said, that they all agreed that there was a probability of his majesty's recovery, and that at no distant period. It was not necessary to enter into any argument as to the precision of what the right honourable gentleman had stated, but certainly he had not precisely stated the facts as resulting from the report of the examination of his majesty's physicians. That they generally agreed that it was probable his majesty might recover, was undoubtedly true; but they did not agree as to the period when that recovery might be expected. Dr. Warren had not only made no such declaration, but had averred that he was perfectly ignorant concerning it, and had expressly said, that he could not give any satisfactory answer whatsoever upon the subject. If, therefore, they were to go upon the order

of the day, they were bound to shut their ears to all the reports out of doors, and as the right honourable gentleman had desired them to confine themselves to the facts resulting from the report on the table, they ought to do so strictly, only keeping in their minds (what, of course, would not fail to have its due impression on every gentleman) the circumstance, that the information upon which they were desired to proceed was information communicated four weeks ago; and that, therefore, they were to consider that four weeks had elapsed without any alteration whatever in his majesty's health. Mr. Fox added, that many contrary reports in favour of his majesty's recovery were in circulation. He thought the matter proper to be laid before the House; not that he was much in the habit of paying attention to common reports; in general, no man treated them with more contempt; but he had heard that, in another place, a person of no inconsiderable authority, his majesty's first minister, first in rank, and by no means last in consequence, he meant the lord chancellor, had declared that he had grounds to hope soon to hear of his majesty's recovery. This declaration he could not but consider as highly improper to be made, because, as on the one hand, if any man should unfortunately have reason to entertain the melancholy opinion, that there was no probability of his majesty's recovery at all, he should deem it highly improbable for such a one to declare his sentiments; so, on the other hand, if any man thought that he had good reason to imagine that his majesty's recovery was at hand, it appeared to him equally improper for him to declare it; because no man ought to declare his sentiments either on one side of the question or the other, unless the grounds upon which those sentiments rested, could be rendered the objects of examination and enquiry, and call forth facts substantiated by evidence. Mr. Fox adverted to the possible case of certain persons spreading rumours, merely with a view to delude the people by false hopes, and induce gentlemen to give their votes under an ill-founded presumption of his majesty's recovery, of which there might not in truth exist the smallest probability. Perhaps it would be wise to shut their ears against all rumours whatever, and to act merely from the report of their committee. In that report they would see, that his majesty's physicians had all of them been asked, whether signs of convalescence appeared, which was beyond all question a material part of the examination. If no signs of convalescence had since appeared, and none, the physicians had all agreed, had then appeared, a new enquiry certainly was not necessary. If signs of convalesence had since appeared in his majesty — as it had been industriously rumoured they had — an inquiry was necessary; first, with

respect to the fact of those signs; and secondly, with respect to the opinions formed of those signs by his majesty's physicians.

Mr. Pulteney having objected to the withdrawing of the question for the order of the day,

Mr. Fox rose again and observed, that it did not excite his surprise, when he perceived that the honourable gentleman who spoke last objected to the withdrawing of the question for the order of the day. That honourable gentleman had, he believed, not been a considerable time in this country, and therefore he must be a stranger to the various rumours and reports in circulation. Had he known as much of those reports as he did, the honourable gentleman would, he had no doubt, have thought the proposed inquiry absolutely necessary. With regard to the two propositions that the honourable gentleman referred to, they were nearly the words which he had himself used, on the first day that the subject had been mentioned in that House. He had then said, that all the physicians had declared themselves clearly and decisively of opinion, that his majesty was incapable of meeting his parliament, and of doing public business; but that his recovery was probable, though no one of them could say when his recovery was likely to take place. Agreeing, therefore, that his majesty might recover, and that the probability was that he would recover soon, they must submit for a short time to a weak government, or else do an injury to his majesty when the time should arrive for him to resume his prerogatives. If that were the argument, still he should contend, that it was necessary for them to proceed to learn when his majesty's recovery was likely to take place. Mr. Fox added, that upon the present occasion, he must take notice of what had fallen from the right honourable the chancellor of the exchequer, and enter his protest against what would, if persevered in, inevitably put a stop to all freedom of debate in that House. The right honourable gentleman had talked of warmth, and had said it was allowable, when the political interests of parties were at stake, but not at the present juncture; and that therefore his right honourable friend (Mr. Burke) had spoken from his wishes. If such attempts to impute unbecoming motives to members for their arguments, were made, unaccompanied with any satisfactory answers to those arguments, it was enough to fire any man with indignation. He made no scruple to confess, that he felt equal warmth with his right honourable friend—as much warmth as he had ever felt on any political question whatsoever—not from a wish that his majesty might

not recover — he sincerely wished that he might; but from what was more strong in his mind, even than the satisfaction which must result from his knowing that his majesty was restored to his health — his desire that the people should be acquainted with the truth. In such a cause, he was not ashamed to confes himself warm, and avow his determination to resist an attempt to deceive an affectionate people, and to prevent that House from being deluded, under false pretences, into a mode of government which would sacrifice the constitution. In such a cause, he felt a warmth superior even to his attachment to majesty; superior to the love and loyalty which a subject owed his sovereign; an attachment founded in a love of truth, and a detestation of falsehood. At the manner in which the cry had been given from the other side, when Dr. Warren's name had been mentioned, it was impossible for the friends of that gentleman, and for every man feeling like a gentleman, not to glow with the utmost contempt. A physician's eminence, above all other professions, stood upon the most secure and certain footing. No man employed a physician from favour: no man employed a physician because he was of his party, nor because he had given him his interest at an election; but, they trusted their health in his hands, because he was known to possess superior skill, and on that account alone. He would believe that the learned personage before alluded to by him, (the lord chancellor,) had an ill opinion of Dr. Warren, when he should hear that the noble and learned lord trusted his health, when he should next have the misfortune to be ill, in any other hands. These were not encomiums, but facts. It was the confidence with which people of the most exalted ranks trusted their healths in Dr. Warren's hands, that made him so unusually eminent as a physician. The cry therefore, if it meant any thing, must have been meant to convey an insinuation against Dr. Warren's integrity; but, as the opinion of Dr. Warren's skill never could rise, so no more could the opinion of his integrity rise, though his integrity undoubtedly equalled his skill. The right honourable gentleman had been pleased to say, that he thought the probability of his majesty's recovery was greater than before, and had added, that he was provoked to declare that to be his private opinion. I will not be provoked, observed Mr. Fox, to declare any private opinion of mine to the contrary, nor will I assent to that of the right honourable gentleman; but if the House is to proceed on shades of difference of opinion, as to the probability of his majesty's recovery, which I think is extremely absurd, I must still contend, that the inquiry should be as free and open as possible.

After much altercation on this subject, it was agreed that a new committee should be appointed, and that the physicians should be re-examined. The committee sat till the 13th, when the report was brought up, and a motion was made by Mr. Burke, and seconded by Mr. Windham, that it should be re-committed, on account of their not having examined into the grounds of the different opinions held by the physicians, respecting the probability of the king's recovery. This motion was negatived without a division; the report was ordered to be printed, and to be taken into consideration in a committee of the whole House on the state of the nation upon the Friday following, on which day Mr. Pitt opened his plan to the House. The first four resolutions were agreed to. The fifth was posponed to the Monday following.

January 19.

This day Mr. Pitt moved the fifth resolution, namely, "That the care of his majesty's royal person, during the continuance of his majesty's illness, should be committed to the queen's most excellent majesty, and that her majesty should have power to remove from, and to nominate and appoint such persons as she shall think proper, to the several offices in his majesty's household, and to dispose, order, and manage, all other matters and things relating to the care of his majesty's royal person, during the time aforesaid. And that for the better enabling her majesty to discharge this important trust, it is also expedient that a council should be appointed to advise and assist her majesty in the several matters aforesaid, and with power, from time to time, as they may see cause, to examine, upon oath, the physicians and others touching the state of his majesty's health, and all matters relative thereto." Mr Pitt was supported by Mr. Dundas and the solicitor-general. On the other side, Lord Maitland, Mr. Grey, and others, objected to the limitations in general, not only as tending to distract and embarrass the new government, but as nugatory and ineffectual for the purpose which they were meant to secure.

Mr. Fox followed on the same side. After adverting to the remarks which had been thrown out on the comparative talents of the two sides of the House, he observed, that he could not deny that he had a partiality for the talents of his friends, and of those with whom he was nearly and closely connected by a similarity of opinion and conduct; but, partial as he was to their endowments and abilities, he disclaimed that want of candour which might induce him to withhold from gentlemen on the other side of the House, the just praise due to great ingenuity and to eminent talents. That ingenuity and those talents had often been displayed on occasions in which he differed with them in opinion,

and which occasioned him to lament that he was compelled to oppose abilities so distinguished; but he must say that, on the present occasion, they had not furnished him with reason for such a lamentation. A measure supported with so little argument, he never witnessed. A debate like the present, in which so much had been said on the one side, and so little on the other, he did not recollect; and in this estimate of the matter, he must include the very laboured essay of the honourable and learned solicitor-general. That the subject would not admit of defence was manifest from this, that even the honourable and learned gentleman, whose education and daily habits furnished him abundantly with the modes and forms of reasoning, and who, on other topics, had shewn so fruitful a mind, was, on this, unable to advance a single clear and unsophisticated argument for the measure which he espoused, but had, as heretofore, endeavoured to entangle the understandings of gentlemen in the intricacies of legal metaphysics.

For his own part, in the discussion of the important question before them, he would follow the very proper example of an honourable and learned gentleman, whom he did not see in his place, in avoiding the utterance of a single word in praise of the personal virtues of the royal and exalted characters who were immediately concerned. He would neither speak of the virtues of the heir apparent on the one side, nor of her majesty on the other; such eulogiums unquestionably were neither political nor perfectly manly. To say that which none could contradict, was not manly, and to make the particular virtues of the present royal persons an argument either for the adoption or rejection of a great measure, which might in its tendency apply to other times and other persons, was surely not political. He would rather make the honourable gentleman his model, who, at an early stage of this business, had said that in discussing it he would not take into his view the plan of the regency, as it related to the Prince of Wales, but as it might relate hereafter to a Prince of Wales: so, he would not consider the present resolution as it affected the queen, but as it might affect a queen; abstracting from the question every personal motive, and viewing it as it might apply to other times and to other persons, and to its future probable consequences on the government and constitution of the kingdom. The honourable and learned gentleman had begun his speech with a repetition of that doctrine which he had early started, and frequently pressed in debate with the existence and union of the personal and politic character of his majesty: "That the king's political character was, in the eye of the law, inseparable from his personal — that it remained

entire and perfect—and would continue so to do until his natural demise." This doctrine, which had been frequently urged, he had wished in vain to hear explained; for, how that person, whose political faculties were confessedly suspended by a severe visitation of Providence, could still exist in the full enjoyment of his political character, was beyond his understanding to comprehend. The doctrine partook of, and seemed indeed to be founded on, those blind and superstitious notions, by which, as they all knew from history, human institutions had been deified, and by which, for the purpose, perhaps, of impressing a strong and implicit reverence in the minds of the multitude, the fables of men were stated to be of divine origin. That resort was had in those early times to such means, for wise purposes, by men highly gifted, he was not unwilling to admit; and that, even in our own history, there might be, and certainly were, among that description of persons in our own country, who, at different times, bore the epithets of tories, high churchmen, and so forth, several who might think that, by propagating the idea of divine right, they surrounded the person of majesty with a mysterious grandeur and authority, which inspired in an enthusiastic people a more prompt and steady obedience. If such was the view in which the honourable and learned gentleman wished to consider this mysterious character of complete political existence, without political capacity, he could only observe on his doctrine, that he took up the superstitions of antiquity and rejected the morality; for, while he thus enveloped the sacred person of majesty with a political veil, which, by ancient superstition, was calculated to inspire awe, and secure obedience, he was labouring to enfeeble the arm of government, to cripple it in all its great and essential parts, to expose it to hostile attack and to contumely, to take from it the dignity which appertained to itself, and the use for which it was designed towards the people. Such was the tendency of this metaphysical doctrine—a doctrine which, though it might have found proselytes in the dark and gloomy days of antiquity, was not calculated for the intelligence and just understanding of the relative duties of sovereign and subject at the present æra.

The honourable and learned gentleman, in the pursuit of his doctrine, had said, that his allegiance would continue during the life of the king, whatever might be the condition of his mind. That duty, loyalty, affection, and every rational sentiment which could animate the breast of an Englishman, would lead them all to venerate, to love, and to protect the sacred person of his majesty, however long and however calamitous his malady might prove, was a feeling so predominant, that it was not necessary to take up a moment of their

time in asserting its existence. But, when the honourable and learned gentleman stated this as the definition of allegiance, he must enter his protest against it. He, for his part, considered allegiance as a reciprocal duty, springing up in the heart, in consequence of protection, and which was of equal existence. If the honourable and learned gentleman's definition of allegiance was true, and that it was not dependant either on the political capacity, or the exercise of political capacity, but on the bare personal existence of the king, then, all which they had heard that day from a right honourable and learned gentleman who spoke early, (Mr. Dundas,) and from the honourable and learned gentleman himself, that these limitations were but temporary, and that the time would come when they must be revised, and the full power be given to the regent, was inconsistent and impossible. For, whether the king's malady endured one year or thirty years, it was precisely the same in the contemplation of this doctrine, and the legislature could not vest the full powers of the crown in any other hands, while the person of the king remained. That such was the latent designs of gentlemen on the other side of the House he did not doubt; and if the honourable and learned gentleman would speak out, he was sensible that he would say that this was his feeling and determination on the subject. In the present moment, they thought it prudent to conceal this intention. Gentlemen, however, could not be deceived — they would compare the argument with the assertion. The argument was, that he felt and acknowledged the immutable perfection of the king, to which he had sworn allegiance. The assertion was, that if he did not recover within a short time, the two Houses must alter the present arrangement, and give to the regent full authority!

The honourable and learned gentleman had cursorily mentioned the time when, perhaps, it might be proper to review those restrictions. Perhaps, at the end of a twelvemonth it might be proper. "But," says he, "if, in the present instance, the House were to limit the duration of them to twelve or eighteen months, at which time they should cease of course, and the king should recover his faculties but a fortnight after the restraints had ceased, what evil consequences might not ensue from that single fortnight of uncontrolled power!" What consequences? Let us examine, said Mr. Fox, what, even in the full stretch of the honourable and learned gentleman's fears, they are likely to be, and what, on the contrary, are likely to prove the consequences of passing this regency bill for an indefinite time. In this dreadful fortnight, the unrestrained regent might, perhaps, in

the full exercise of his authority, dismiss the lords of the bedchamber, and change the white staves; nay, perhaps he might send a few gentlemen from the Commons up to the House of Peers. What is the mighty evil of this! At the end of one fortnight, the king re-assumes his power—the bedchamber lords are sent for again, and the staves are replaced; all that remains of the evil, are the peers, who in that space may have been created. Compare this sum of evil with that which may ensue from making this regency indefinite as to term. The power of restoring to the executive government the just prerogatives which belong to the third estate, is taken away, and perhaps cannot be resumed. The House of Lords having gained the important point of preventing the regent from adding to their number, may not, and they are not likely to concede it again; and thus, during all the life of the sovereign, if he shall continue indisposed, there would exist no power of resorting to that remedy against cabal and confederacy in the House of Lords, which the right honourable the chancellor of the exchequer himself had acknowledged to be a probable evil, for which the constitution had provided so prompt a remedy. The right honourable gentleman himself had, in the course of four years, granted forty-two peerages, although in that time he had not heard of any confederacy existing in that House against his measures. There was, he said, in the breasts of the great men of this country, such a love for the crown, that there was no fear of any factious measures being suffered to prevail. The peers were so distinguished for their love of the crown, that there could be no apprehension of danger from the party whom he had sent into the House of Peers; but, if the regent were to make peers—if he, for instance, were so lavish of honours, as to grant forty-two, in imitation of the right honourable gentleman, then, such a cabal and confederacy might be formed as would endanger the safety of the king! Love for the crown was to be extinguished, if favour came from the regent! The prerogative was harmless, while executed under the auspices of the right honourable gentleman: it would become dangerous, if put into the hands of the heir apparent! Of precisely the same spirit was their argument for placing the household in the power of the queen. In her majesty's hands it would be helpless, weak, and impotent, if applied to any political purpose; it could not affect one measure of the regent's government; but, if placed in the hands of the regent, it would inevitably prevent his majesty's return to power! To all this train of paradoxes, there was one general solution—they wished to insinuate and to propagate the base and scandalous idea, however artfully for the time they disguised their purposes, that a division might take

place between the mother and the son. They affected to hold out tolerably intelligible language that the son might combine against the mother; but, really, with the idea of leaving to the herd to imagine the converse of the proposition, and that, from history, it was as probable that the mother might combine against the son. He could not utter, in terms of sufficient indignation, his abhorrence of such a plan; and yet he was ready to confess, that the machination for accomplishing the purpose was artfully laid. It was founded in an observation of human feelings; it was drawn in the speculation, that, though in good minds there was a disposition to harmony, yet persons put into a state of competition, however nearly connected by blood, by duty, by affection, were thrown into a state of mutual jealousy, to a degree inseparable from human being. Thus, we frequently saw that competition endangered the existence of the purest and the most tender feelings; that it sometimes broke the most intimate connections; and it was, in truth, a maxim, that nothing characterized so truly and forcibly the features of a noble and god-like mind, as to continue free from jealousy in a state of competition. How much must those persons have to answer for, who, with a perfect and complete knowledge of this weakness of human nature, yet wickedly and wantonly pursued a measure calculated to involve the empire in the calamity! He trusted to Heaven that the purpose would be prevented. He had confidence in the ardent love and noble feelings which animated the bosoms of the distinguished persons, and he hoped that no artifices, however base; no advice, however fulsome, would prevail in overthrowing within their breasts the sentiments of what they mutually owed to the country.

But, the right honourable gentleman had remarked, that he was not to set up a factious opposition. He was one of those persons who had been so long accustomed to opposition, as to have a kindness for it. He was by no means unwilling to see an opposition strong, watchful, and systematic; because he thought that there might be a sincere, as well as a systematic opposition. He conceived, however, that no opposition ought to be armed with such powers as the present scheme was calculated to give to those who should oppose the government of the regent; for, as the patronage and emoluments of office fairly belonged to the servants of the crown, and to those who acted with them, so he thought it an incumbent duty on those who opposed government, by relinquishing all share in that patronage and those emoluments, to give a pledge to the country for the sincerity of their opposition. It had been argued by an honourable gentleman, that, without the household, the regent's government would have

power enough; that it would have power enough for good purposes, and it ought not to have more. If it should be found that the regent had power enough, then, surely it behoved the House to resolve, either on the recovery of the present king, or on the accession of his successor, to take from the crown all those prerogatives which were withheld from the regent. It should be a principle in all good government to give no power which was not actually necessary to its purpose, or, in other words, necessary to the power of doing good. The wisdom of our ancestors had vested in the hands of the king all the prerogatives of the crown for the purpose of good government; and now, we were to establish a government, without the powers which the constitution declared to be essential to its well being!

Mr. Fox declared, that in going into office he expected to have the power, patronage, and emoluments of office; the emoluments were of little value, as the right honourable gentleman well knew, since every minister was obliged to incur expences fully proportionate. But, if he intended to be honestly useful, he must have the fair means of carrying those intentions into execution. If he had to employ confidential persons in national and necessary services, he must enjoy the means of rewarding them. If this was to be called ambitious, he pleaded guilty to the charge. It was, however, an ambition constitutional, and, in his mind, necessary. He would, for a moment, put the case to gentlemen on the other side, on their grounds of estimation of the minister. He had, in the four years of his administration, proceeded to many acts wisely and beneficially for the country. Grant the fact: had he not done them, possessing and employing all the powers of the crown, in the way of place, emoluments, and patronage? It was contended, that the bedchamber lords were so well and so truly disposed to act with government, that they never would resist a good measure. This was one of the inexplicable assertions which he did not know how to meet. Was it meant to say that this corps of officers had such a fund of sagacity to discover, together with such a fund of steadiness to pursue, what was right, that they acted of themselves, without leader or direction? He was ready to confess them to be good troops, well disciplined, steady, and obedient, ready to be brought into the field of battle, and there firm and active while engaged; but they were all this, only while under the command of the crown. How did he know what they might do, if put under another leader? This prætorian band might turn back, and fly from the field. He wished that some generous friend of the minister would rise up, and honestly confess what ground he acted upon in this

business: — that he distrusted the one side of the House, and that he voted for these restrictions, because he had an implicit confidence in the other: — that the crooked politics of the Duke of Portland, the interested perfidy of Earl Fitzwilliam, the corrupt ambition of Lord John Cavendish, determined him against entrusting power in their hands, and that on the other side he could not discover even faint portraits of these Catalines and Cetheguses. It was his earnest wish that gentlemen, if they distrusted, would act constitutionally. If they preferred A. to B. the power of that House was yet, he trusted, sufficient to turn them out of office; and especially, if the persons in office were of that description who bowed to the authority of parliament. Instead of this manly and constitutional mode, the right honourable gentleman opposed men by crippling government. To prevent that party from enjoying office, whom he thought ineligible, he attacked and violated the constitution; he destroyed the balance of the three estates, and endangered, for an unlimited time, the existence of every thing essential in the government to the well being of the country. It was rather singular, also, that they did not perceive the positive weakness of their principal argument in another way. They objected to trust the household in the power of the prince, because he might change the king's servants, and yet they put it into the power of the queen, who might remove them at pleasure. Why might they not be changed by her majesty and her council of advice, as well as by the regent? The danger was precisely equal. It had been contended that, in the India bill, they had attempted to establish a fourth estate, unlike the present, that would have made them for ever independent of the crown and of parliament. The precise fact was, that the India bill, whether a good bill or not, was limited in its duration, and the fourth estate, as it was called, could not be revived, without an especial act of parliament. Now, the fourth estate to be erected by this resolution, was to be established for ever; it had no period. "But, the patronage given to the fourth estate by the India bill," say they, "was given to subjects, instead of being given to the crown." It was given to subjects, undoubtedly; but it was taken from one body of subjects and given to another. It never did belong to the crown. Now, this fourth estate was taken from the crown, in which the constitution had originally placed it, and given to a subject. He was astonished that the honourable gentleman (Mr. Pulteney) who had taken so active a part in exploring what he thought the hazards of the India bill, should shut his eyes on the present so much more enormous power of patronage

seized on from the crown, and put into distinct hands from the executive power.

With respect to the grounds of a speedy recovery, which the right honourable the chancellor of the exchequer held out, and which fact formed the only topic of his argument, he did not mean to say one syllable. If it was true, as it certainly was, that it must prove a serious thing to change the royal person, it was a more serious thing to change the nature of the royal office. It might be for a short time; it might be for a long time; it was certainly for an indefinite time that they were to change the constitution of the country, and all this was to be done on the report of the physicians. Physicians had acknowledged that the science of physic was the most uncertain of all the arts; and that of all the branches of physic, this particular malady was the most uncertain. So then, they were, for an unlimited time, to change the nature of the third estate, to impoverish and weaken the executive arm, to create a new estate in the country; and all this, on the report of the most uncertain case which came within the view of the most uncertain of all sciences. He had observed, that to change the nature of the kingly office, was a more serious thing than to change the person of the king. The constitution provided only for the crown. The king, according to the constitution, was nothing; the king might die, the king might be imbecile; the constitution, careful only of the crown, was careless as to the precise ability of the king. It made the kingly office hereditary, from the consideration that the crown being permanently and continually the same, full and authoritative, was less solicitous as to the person who was to wear the crown, since it was guarded, guided, and restrained, by positive laws. To entrench, therefore, on the crown, was a truly serious point. Its prerogatives were to be put into the custody of the two Houses of parliament, and they were proceeding to impair the crown, for the sake of the king. If it should be said that the two Houses of parliament would, no doubt, restore the prerogatives now taken away, he would ask them how they could answer for their successors? An honourable baronet had signified a desire to know what the consequence would be of the demise of the queen? If the prince regent should die, the course was easy and simple. The next prince in succession, the Duke of York, if alive, or Prince William, would be appointed to the regency; but if the queen should die, in whose hands would they place the custody of the king? In those of the Duke of York? Would they strive to divide the royal brothers? A task, which, he believed, they would find as difficult as to remove the planets from their spheres. In whose hands would

it be placed, joining therewith the patronage now to be entrusted with the queen?

It was said, "Why object to this establishment, since an establishment for the Prince of Wales was never objected to, on the score of its giving an influence?" This was a most extraordinary argument. Because three or four places were not dangerous, it was asked, Why be alarmed at four hundred? Because 50,000*l.* did not appear dangerous in the hands of the heir apparent, who had a great house to maintain, were 300,000*l.* to be divided? Besides, the prince's establishment, the small revenue from Cornwall excepted, was in the gift, and annually depended on the pleasure of the king. Several lords in this country, and even some commoners, enjoyed a more ample revenue than the Prince of Wales, because they had occasion for a less burdensome establishment. It was idle and ridiculous, therefore, to compare the two points. The argument of the splendour of the king, was still less to be regarded. What! did they mean to say, that during the unhappy malady of the king, they wished to exhibit the royal person with all the equipage and regalia of state, which were only applicable to public situations! It was insulting to the wounded feelings of the royal family, to imagine so indelicate and so gross a circumstance. Either from generosity, or in the spirit of reciprocity, an honourable gentleman (Mr. Pulteney) had contended that there was nothing in the present state of Europe which could give just reason for a strong government. This evidently alluded to the present deranged condition of France, of which the honourable member had lately been a spectator, and if the honourable gentleman meant that the low circumstances of France ought to induce us not to assail her when helpless, the argument had the generosity natural to the honourable member: but perhaps it was founded in that principle of reciprocity, which had lately prevailed, with respect to that rival power; that because she was lowered and embarrassed, we must lower ourselves to her standard; that this was to be done on motives of reciprocal affection, for the purpose of preserving the good understanding which now subsisted between us undiminished. There was a fellowship in misery, that endeared its objects to each other. Misery made us acquainted with strange companions; it levelled the superiority of pride; it softened the asperities of opposition. Degraded and sunk to the condition in which France perhaps was at this moment, it would be thought an eligible mode of preserving her friendship, and prevent giving alarm to the rest of Europe. Unless for these reasons, he saw nothing in the present state of Europe to induce us to suffer, much less voluntarily to embrace a weak government.

The right honourable the chancellor of the exchequer had not explained to the committee two very essential points. If this household was to be established in the custody of the queen, when was the provision which he spoke of as being necessary for the state of the regent to be made, and what was to be the extent of it? This ought to have been mentioned. In his mind, the civil list would prove amply sufficient, both for the provision to the queen, in her care of the king's person, and also for the state of the regent, if this ridiculous and absurd scheme was not pursued. Upon this occasion, said Mr. Fox, it might perhaps be a matter of delicacy to state the opinion of his royal highness, but he knew the sentiments of his royal highness to be, that it would be highly irksome to him in the present melancholy and calamitous situation of the country, to add any new burdens, for the purpose of increasing the state and dignity of his own situation. He added, that perhaps it was not perfectly regular for him to state this; but as he knew it to be the sentiment of his royal highness, and did not consider the observation as improper, he had mentioned it to the committee. The other point upon which he wished for information, was the ideas of the right honourable gentleman, whether these restrictions were to have a limited duration, and what he should think the proper time for their expiration. In conclusion, Mr. Fox expressed his certainty, that when the pnblic came to view the whole of this scheme, and to compare it with that fourth estate, of which they had heard so much, they would see that the present one contained all the mischiefs that were only attributed to the other, and that it was in truth calculated to confer a favour inconsistent with the good government of the country.

The resolutions being carried, were reported to the House, agreed to, and ordered to be delivered to the Lords at a conference. Having passed both Houses, the resolutions were, on the 30th of January, presented to the prince and queen by a committee of peers and commoners. To the joint address of the two Houses his royal highness returned this answer: "My lords and gentlemen; I thank you for communicating to me the resolutions agreed to by the two Houses; and I request you to assure them in my name, that my duty to the king my father, and my anxious concern for the safety and interests of the people, which must be endangered by a longer suspension of the exercise of the royal authority, together with my respect for the united desires of the two Houses, outweigh in my mind every other consideration, and will determine me to undertake the weighty and important trust proposed to me, in conformity to the resolutions now communicated to me. I am sensible of the difficulties that must attend the execution of this trust, in the peculiar circumstances in which it is committed to my charge, of which, as I am acquainted

with no former example, my hopes of a successful administration cannot be founded on any past experience. But confiding that the limitations on the exercise of the royal authority deemed necessary for the present, have been approved by the two Houses only as a temporary measure, founded on the loyal hope, in which I ardently participate, that his majesty's disorder may not be of long duration, and trusting in the meanwhile that I shall receive a zealous and united support in the two Houses and in the nation, proportioned to the difficulty attending the discharge of my trust in this interval, I will entertain the pleasing hope, that my faithful endeavours to preserve the interests of the king, his crown and people, may be successful."—Her majesty's answer was to the following effect: "My lords and gentlemen; my duty and gratitude to the king, and the sense I must ever entertain of my great obligations to this country, will certainly engage my most earnest attention to the anxious and momentous trust intended to be reposed in me by parliament. It will be a great consolation to me to receive the aid of a council, of which I shall stand so much in need in the discharge of a duty wherein the happiness of my future life is indeed deeply interested, but which, a higher object, the happiness of a great, loyal, and affectionate people, renders still more important." The answers being communicated to the Houses, it was moved in the House of Lords, that letters patent should be issued under the great seal, empowering certain commissioners to open the parliament. The names of the proposed commissioners were read, and at their head were the Prince of Wales, the Duke of York, the Dukes of Gloucester and Cumberland. The Duke of York rising, said he had not been informed that it was intended to insert his name in the commission; he, therefore, had not been able to take steps to prevent the nomination; not wishing to stand upon record, and to be handed to posterity as approving such a measure, he could not sanction the proceedings with his name: he deemed the proposition, as well as every other that had been embraced respecting the same object, to be unconstitutional and illegal: he desired, therefore, to have no concern with any part of the business; and requested that his name, and the name of his brother the Prince of Wales, might be left out of the commission: the Duke of Cumberland desired his own name and the Duke of Gloucester's might also be omitted: accordingly the princes were left out of the nomination. The resolution being carried, was on the 2nd of February adopted by the Commons; the following day the Houses assembled as a regular parliament, and, the lord chancellor being indisposed, Earl Bathurst, president of the council, opened the causes of the present meeting, and the objects for which they were to provide. On the 6th of February Mr. Pitt introduced his regency bill, founded on the principles already investigated, and the resolutions already voted. Its various clauses and provisions having undergone in detail much opposition, it was passed on the 12th of February, carried to the House of Lords, and read a second time without opposition.

In order to relieve the public anxiety, her majesty sent daily to St. James's accounts of the state of the king's health, as ascertained by

the opinion of his physicians. For some days these reports announced that his majesty's illness had begun to take a very favourable turn. On the 19th of February, the lord chancellor, as soon as the peers assembled in order to go into a committee on the regency bill, informed them, that the improvement of the king's health, already stated in the official reports of the physicians, was still progressive, an intelligence which certainly must prove pleasing to every man in the kingdom; in this situation of things he conceived they could not possibly proceed upon the bill before them, and therefore moved, that their lordships do immediately adjourn to the 24th. On the day appointed, the chancellor informed the House, that he had that morning attended his majesty by his express command, and had found him perfectly recovered: he therefore moved a farther adjournment, which being again repeated, his lordship on the 5th of March informed the peers, that his majesty would signify his farther pleasure to both Houses on Tuesday the 10th of March. Thus ended the necessity and project of a regency.

ADDRESS ON THE KING'S RECOVERY.

March 10.

THIS day the Commons, with their Speaker, being at the bar of the House of Lords, the lord chancellor informed them, that his majesty, not thinking fit to be then present in his royal person, had caused a commission to be issued, authorizing the commissioners, who had been appointed by former letters patent to hold that parliament, to open and declare certain farther causes for holding the same. The commission being read, the chancellor addressed the two Houses in the name of the commissioners as follows:

"My lords and gentlemen; in obedience to his majesty's commands, and by virtue of both commissions already mentioned to you, one of which has now been read, we proceed to lay before you such further matters as his majesty has judged proper to be now communicated to his parliament.—His majesty being, by the blessing of Providence, happily recovered from the severe indisposition with which he has been afflicted, and being enabled to attend to the public affairs of his kingdoms, has commanded us to convey to you his warmest acknowledgements for the additional proofs which you have given of your affectionate attachment to his person, and of your zealous concern for the honour and interests of his crown, and the security and good government of his dominions.—The interruption which has necessarily been occasioned to the public busines will, his majesty doubts not, afford you an additional incitement to apply yourselves, with as little delay as possible, to the different objects of national concern which require your atten-

tion.—His majesty has likewise ordered us to acquaint you that, since the close of the last session, he has concluded a treaty of defensive alliance with his good brother the King of Prussia, copies of which will be laid before you; that his majesty's endeavours were employed during the last summer, in conjunction with his allies, in order to prevent as much as possible, the extension of hostilities in the North, and to manifest his desire of effecting a general pacification; that no opportunity will be neglected on his part to promote this salutary object; and that he has, in the mean time, the satisfaction of receiving from all foreign courts continued assurances of their friendly dispositions to this country.

"Gentlemen of the House of Commons; we are commanded by his majesty to acquaint you, that the estimates for the current year will forthwith be laid before you; and that he is persuaded of your readiness to make the necessary provisions for the several branches of the public service.

"My lords and gentlemen; we have it particularly in charge from his majesty to assure you, that you cannot so effectually meet the most earnest wish of his majesty's heart, as by persevering in your uniform exertions for the public welfare, and by improving every occasion to promote the prosperity of his faithful people, from whom his majesty has received such repeated and affecting marks of invariable zeal, loyalty, and attachment, and whose happiness he must ever consider as inseparable from his own."

An Address of congratulation and thanks having been moved by Earl Gower, and seconded by Mr. Yorke,

Mr. Fox observed, that he was far, very far, indeed, from rising for the purpose of preventing the unanimous vote of the House, or of disturbing in any degree whatever the harmony which all must eagerly desire to see prevail on the present joyful occasion. He declared, that he trusted and hoped that the address would pass *nemine contradicente*; but, he could not avoid remarking that the honourable gentleman who spoke last, seemed to have taken considerable pains to prevent, if it were possible, that unanimity and harmony so generally to be desired on such an occasion as the present, and to create a difference of opinion. For himself he saw nothing in his majesty's speech which seemed liable to objection; nor was there any part of the address open to an exception. He had listened to the noble lord who moved the address with great attention, and he had never listened to a mover of an address with more satisfaction. The noble lord had not only moved it with great ability, but, if he would allow him to say so, in a manner which did more honour to his heart than his head. The noble lord had moved it like a man of understanding, because he had expressed the feelings of a man, and the feelings of a loyal and faithful subject to his sovereign: he had moved the address with as much elegance as he had ever witnessed, and, in his mind, with as

much judgment. The noble lord had judiciously passed over the other topics stated in the speech, because, undoubtedly, every man must feel that his majesty's recovery was so far the paramount topic, that all others, weighty and important as they were in themselves, appeared light and trivial in comparison with it. The honourable gentleman, on the other hand, who had seconded the address, had thought proper to mingle with the congratulations of that House, on the happy recovery of the sovereign, praise and panegyric on the personal conduct of the king's minister. On such a day as that, at least, Mr. Fox said, he conceived that the right honourable the chancellor of the exchequer might have been kept in the back ground by his friends, in order to let his majesty stand forward as the only prominent figure in the picture.—With regard to the expressions of applause bestowed on parliament by his majesty, he had no objection to them, because he thought it the sort of language which it was always to be wished his majesty should hold to his parliament; but he had never understood that it was either fit or constitutional to consider such applause, as applying to the conduct of his majesty's ministers, in the particular manner in which the honourable gentleman who seconded the address, had chosen to consider it. The right honourable the chancellor of the exchequer, he should suppose, did not himself so understand it; and the reason why the right honourable gentleman, he presumed, did not so understand it, was, because looking upon the present speech from his majesty as he did upon all other speeches from the throne, as the speech of the minister, the right honourable gentleman, he conceived, would not say that a minister ought not to take advantage of such a vehicle, and by such means praise his own measures a second or a third time. He did not, besides, believe his majesty meant to signify any such opinion of the late proceedings, as the honourable gentleman had intimated, and he would fairly tell the honourable gentleman why he did not think it possible for his majesty to have given any such opinion. It fell to his lot to know from authority, that those who could alone inform his majesty of the reasons and grounds of the different opinions and doctrines which had been formed and maintained, had not an opportunity of giving him any such information, and he knew his majesty's sense of duty and regard to justice too well, to believe, that without any explanation on the subject, his majesty would give a decided opinion. Mr. Fox added, that notwithstanding the pains which the honourable gentleman had obviously taken to effect such a purpose, the honourable gentleman should not prevent him from voting for the address; and he would farther

tell the honourable gentleman, that it was not only unparliamentary and unconstitutional, but disloyal in the highest degree to his majesty, to assert, that those who differed in opinion from his ministers and opposed their measures, might not be as sincerely attached to the sovereign as any other description of his subjects.

The address was agreed to *nem. con.*

Mr. Fox's Motion for the Repeal of the Shop Tax.

April 2.

THIS day Mr. Fox renewed his annual motion for the repeal of the shop tax. The order of the day being read,

Mr. Fox rose and observed, that the subject of the shop tax had been so often discussed, it had engaged so much of the public attention, so much had been said upon it in that House, and so much more had been said upon it without doors, that he would not trouble the House either with a repetition of his former arguments, or with going into any length of reasoning concerning its unjustifiable nature. With regard to the objections against the shop tax, urged by himself and those who agreed with him upon the subject, it had ever been said to be partial and oppressive, because it fell upon the shopkeeper, and not upon the consumer. Those who endeavoured to prove that the tax ought to continue, had always maintained that it fell upon the consumer, and not upon the shopkeeper; and upon that single question of fact, the argument had remained at issue between them. Mr. Fox proceeded to adduce reasons, which, in his mind, clearly proved that it fell upon the shopkeepers, and the shopkeepers only. The shopkeepers of the city in which they then were, and of the city of London, were most liable to the oppression of this tax, and, consequently, best enabled to judge whether they felt it to be oppressive or not; and they had unanimously, steadily, and unremittingly opposed the tax, on the ground that it was oppressive to an intolerable degree. The shopkeepers of the two cities and the borough of Southwark had applied to that House, regularly, every year since the tax had become a tax, stating that it was oppressive, and praying relief. Of whom was that majority composed, who had supported the continuance of the

shop tax? Certainly, not chiefly of persons representing cities and towns in which there were many shopkeepers; whereas, those who had done him the honour to unite in opposing the tax, and unremittingly to complain of its injustice, were persons representing places wherein it was notorious that there were a great number of shops. It was, therefore, fair to conclude, that the truth of the argument was, that the tax did fall upon the shopkeeper, and not upon the consumer; since, as the tax had now lasted for a considerable time, the shopkeeper would have felt that it did fall upon the consumer, and not upon himself, if the fact were so; and, in that case, he would not have continued steadily to complain of it as a personal grievance. In this point of view, therefore, the argument of those who had hitherto supported the tax, fell to the ground.

Mr. Fox said, that he would only, in addition to this, make one or two observations, to shew that, if unfortunately a total repeal of the tax should be denied, which, he trusted, would not be the case, some essential alterations ought to be made in it. And first, with respect to the inconvenience with which the tax was attended, in consequence of the impossibility to lay it fairly and equally on all shopkeepers. This was, at present, so far from being the case, that nothing could be more unfair, nothing more unequal, than the mode of assessment, which had been adopted. That was deemed a shop in one part of the city and in one parish, which was not deemed a shop in another district and in another parish. He knew instances, where a whole house had been assessed, because there was in it one room — not where goods, wares, or merchandize were retailed, but in which there worked a person whose occupation and employ it was to work for retail shops. This proved the manifest inequality and injustice of the mode of assessment which had obtained; and what was still stronger, he believed that those persons, whose opinions it was natural to imagine, upon such an occasion, would be consulted, he meant the crown lawyers, had not yet made up their minds upon the act itself, so as to decide with any thing like a fixed opinion, what description of houses were liable to be assessed to the tax, and what were not. Another proof of the partiality and injustice of the tax, was already in the possession of that House; because, when they considered that three years had elapsed since it became a tax, and looked simply at the produce of different places, they would see the enormous weight of the tax which had fallen upon the city of Westminster. The city of Westminster, and he spoke of the city of Westminster purely, without taking into the reckoning the purlieus of Marybone, Blooms-

bury, and other adjacent districts, paid more than the whole city of London; and London and Westminster together, paid more than three-fourths of the whole produce of the tax. Another objection to the tax was, that, after three years continuance, it did not appear to be a growing tax; on the contrary, it was evident, from the papers before the House, that the produce of the tax in Westminster alone, as he had just described it, for the last year, fell four thousand pounds short of the produce of the tax in Westminster for the preceding year. Now, though four thousand pounds was no great sum, yet, when it was considered that the tax was originally taken for no more than forty thousand pounds, it was by no means to be regarded as an inconsiderable defalcation.

It had been said, that clamour against a tax ought not to induce a chancellor of the exchequer to give way. Undoubtedly, Mr. Fox admitted that it ought not, and if the shop tax had been resisted and opposed on the ground of mere clamour, he should have thought that the giving it up was a dangerous example; but, in this case, it was evident that clamour had not been the ground of opposition, nor had any procedure like party spirit or political prejudice, in favour of one set of men rather than another, been the motive of opposing the tax: so far from it, wherever the sense of the people could be taken upon the shop tax, as at an election, and on other public occasions, it had not been the ground of clamour of one political party, but a general contention which should prove itself the greatest enemy to the shop tax. Many taxes had passed that House, which had been opposed, and which had raised much clamour at first; but it had happened that, in proportion as the effects of such taxes had been ascertained by experience, the clamour had subsided, and the tax had been regularly paid without murmuring. The case with the tax in question was different; since, after three years, the clamour had strengthened and increased, and the opposition had been uniformly the same. There could be but two ways of accounting for this; the opposition and complaint against the shop tax must either come upon the ground of reason and of truth, and instead of a tax upon the public in general, in their capacity of consumers, the tax was a capricious penalty, if he might so phrase it, on a certain number of persons, for exercising a lawful and honest trade; or, if it were not that, it was the interest of the shopkeepers to oppose it. Whether, therefore, the clamour was attributed to a principle of reason and truth, or to the interest of individuals, it was equally fit that it should be repealed, because the argument that the tax alighted upon the

consumer, fell to the ground in both cases. He should therefore beg leave to move, "That the acts of the 25th and 26th of his present majesty, imposing a tax upon retail shops, might be read." The same being read accordingly, Mr. Fox moved, "That leave be given to bring in a bill to repeal the said acts."

Mr. Pitt said, that though he considered it to be his duty, generally, to resist any attempt to decrease the revenue by the repeal of taxes, objected to by persons who were most likely to be affected by them, and though, in the present case, as far as argument went, he had heard nothing to induce him to change his own sentiments, yet, when he found those sentiments contradicted by the positive assertions of those who had tried the effect of the tax during the space of three years, and observed the general concurrence of all of that description, he thought it no longer proper to oppose to their feelings and experience any opinions of his own mind founded on theory, and therefore he should not resist the motion. The motion was accordingly agreed to, and the bill for the repeal of the shop-tax, being brought in by Mr. Fox, the preamble, in which that tax was stated to have been found partial and oppressive, and contrary to just principles of taxation, was objected to by Mr. Pitt, who moved that those words should be left out, and the following inserted in their room, "Whereas it is expedient to repeal."

Mr. Fox remarked, that it gave him much concern to discover that words which he had inserted in the preamble of the bill, for the express purpose of maintaining the dignity of parliament, and supporting the regularity and consistency of their proceedings, should be considered as an invective. He rather thought that the words objected to were the very words of the right honourable gentleman himself, and that he had said, that whatever might be his opinion in theory, the shopkeepers having found by experience that the tax on retail shops was partial and oppressive, and contrary to the true principles of taxation, he was willing to consent to its repeal. That the tax was inexpedient, was undoubtedly true; but it was not for that reason that it was deemed right to repeal it; to make that the plea for its repeal, was to confess that they removed the tax on the mere ground of clamour, without being satisfied of its partiality, oppression, and injustice; whereas the contrary was notoriously the fact. Mr. Fox concluded with saying, that although he should certainly give his negative to the amendment, he would not press for a division of the House.

The amendment was agreed to, and the bill passed the Commons without further opposition.

MR. HASTINGS'S PETITION, COMPLAINING OF WORDS SPOKEN BY MR. BURKE IN WESTMINSTER-HALL.

April 27.

SOON after the opening of the session, on the 3d of February, Mr. Hastings presented a petition to the House of Lords, in which, after recapitulating the proceedings which had already been had from the commencement of the impeachment, he stated the great hardships to which its extraordinary duration had and was likely still farther to subject him. Amongst these, he mentioned the decease of several of his judges, the detention of witnesses necessary for his defence, the probability of his being deprived of many of them by various accidents, his health impaired, and his fortune wasted. He reminded them, that two articles only, out of twenty, had as yet been gone through by his accusers, that his expenses had already exceeded 30,000l.; and consequently, that should his life be continued to the close of the trial, he might find himself destitute of the means of defence, and even of subsistence, and run the dreadful chance of having his character transmitted on their records blasted with unrefuted criminations. He therefore prayed that they would enable him to make his innocence, and he hoped his deserts, apparent, by proceeding without delay upon his trial. The intervention of the circuits of the judges rendered it impossible for the lords to proceed upon the trial before the 20th day of April, when the court was resumed, and sat, during the remainder of the session, seventeen days. The charge brought before them, and opened by Mr. Burke, was that relative to the corrupt receipt of money. In the course of his speech, Mr. Burke had occasion to remark upon the conduct of Mr. Hastings towards one of his accusers in India, called Nundcomar; and after relating other acts of injustice and cruelty, he added that "he had murdered that man by the hands of Sir Elijah Impey." A few days after the charge had been thus opened, Major Scott presented a petition from Mr. Hastings to the House of Commons, in which he stated that Mr. Burke, in supporting the charges exhibited against him at the bar of the House of Lords, had accused him of sundry heinous crimes not laid in the articles of impeachment. He instanced the charge of having been concerned in a plot for assassinating the Shahzada, and in another plot for putting to death the son of Jaffier Ally Cawn; of being accessory to certain horrible cruelties alleged to have been committed by one Debi Sing; and lastly, of having been guilty of the murder of Nundcomar. He therefore prayed the House either to bring forward and prosecute those charges in specific articles, and thereby give him an opportunity of vindicating his innocence, or to grant him such other redress as to their justice and wisdom might seem fit. A motion being made, that the petition should be brought up,

Mr. Fox said, that it was not his design either to resist the motion of the honourable member for bringing up the petition, or to enter into an extensive field, for the purpose of scrupulously investigating its contents. The predicament in which he stood, rendered it necessary that he should be cautious of incurring the charge of partiality. He wished, therefore, the propriety of the measure to be considered by those who were not managers of the prosecution, and who, upon that account, might be regarded as less interested in its contents and in its object, and consequently more impartial. He rose to state the bad tendency of it, not to that House in the present instance merely, but to future prosecutions of that House for ever and ever.

There were three distinct points to be considered in respect to the present petition: first, the subject-matter of the complaint; secondly, who it was that the complaint was made to; and thirdly, who the person was that made the complaint. The subject-matter of the complaint consisted of certain words and expressions said to have been used, and directly charged with having been falsely used by members of that House, at the bar of the House of Lords. He could not imagine that it would be admitted that the House attended in Westminster-hall, not for the purpose of appearing as prosecutors, countenancing and supporting the managers employed by their authority to urge the charges and adduce proof in support of them against the person impeached, not for that of taking care that justice was done them, but for the purpose of cavilling as an adverse party at the conduct of their own managers. With regard to the second point, to whom was the complaint made? It came not where all complaints of unjust treatment of a defendant ought to be made, to the tribunal that tried him, to the judges, and to the court that was to decide, and which alone was competent to relieve the party in a case of real injustice, but it came to the accusers, to the prosecutors themselves, who had no power to afford redress, if necessary, and whose duty it was to pursue the culprit, and prosecute him to punishment. As to the third point, who was it that preferred the complaint? Mr. Fox said, he should have been mortified, indeed, if his conduct, and that of any other of the managers, had been found fault with by the right honourable gentleman over against him, or those who had professed themselves to be warm friends to the prosecution. But, who was here the complainant? Not a member of the House of Commons, not a member of the House of Lords, no person of either description, but the culprit himself, who came forward to object to the mode of proceeding against him. Should such a complaint be listened to? And should the party accused be suffered

to arraign the conduct of his accusers, addressing his charge to them? It would prove a deviation from every known and established rule; it would introduce a new system of proceeding; because it was altogether unprecedented for those who were the accusers, to hear the culprit in the manner of an accuser of themselves, complaining of the mode of prosecution which they had thought proper to adopt, as likely to answer the ends of justice in the most effectual manner.

Mr. Fox proceeded to call in question the motive and the mode in which the honourable gentleman who had introduced the petition had opened it to the House. He denied that the words quoted by the honourable gentleman, as having passed between the counsel for Mr. Hastings and himself, at the bar of the House of Lords, were correctly stated; and he added, that it generally happened, that when that honourable gentleman undertook to refer to facts, he seldom was very correct. Whenever the managers had done what the counsel for Mr. Hastings had thought improper, he asked whether those learned gentleman had not appealed to the House of Lords, and whether the House of Lords had not always afforded them redress, if they were founded in their appeal? They had done so in various instances. With regard to what had passed between one of the learned counsel and himself, he had not objected to the substance of the learned counsel's argument, but to the manner of it. The learned counsel's objection appeared to him to be sufficiently proper, but his mode was that, which, as a manager of the prosecution, on behalf of the Commons of England, he had conceived that he ought not to submit to; and the House of Lords had proved that he was right in so thinking, by informing the counsel that they must not speak of the managers for the House of Commons in such a way. [Major Scott shook his head.] Mr. Fox said, the fact was as he stated it, let the honourable gentleman shake his head as much as he pleased. The honourable gentleman, he observed, had pledged himself for the truth of what he had asserted; let him pledge himself as much as he pleased; he by that altered no one fact in the smallest degree. Had not the honourable gentleman pledged himself to the House again and again, and had not every one of the occasions proved, in the event, how little his pledge was to be relied on? Did he not say, in an early part of the present business, "Produce the articles before the House, and I'll pledge myself to prove every one of them false, so that the House will necessarily reject them altogether?" Had not the event turned out the very reverse? Had not the House voted them to be articles containing matter of criminal charge, and had not the House proceeded to an impeachment? But, such was the honourable gentleman's

eagerness to pledge himself, that he pledged himself for what he had not the smallest chance of proving. Had he not that day pledged himself to an universal negative? Had he not taken upon himself to prove the rash and extravagant assertion, that no one member of that House had read thirteen of the charges but himself?

Mr. Fox said, he begged pardon of the House for having suffered himself to be betrayed into so much warmth, but it was a warmth excited by an attempt, which he trusted would be abortive, to fix a personal insult on his right honourable friend, and to cast an imputation on his character. By the coarseness of the manner in which the attempt had been made, he was persuaded that this, and this only, was the object. If it had not been a mere pretext, why not take the usual means of obtaining redress, if an injury were really conceived to have been done by either his right honourable friend, himself, or any other manager? Did not every member of that House know, that not only in the House of Lords, but in the most inferior court in the kingdom, if there was any thing wrong in the conduct of a cause, the counsel for the prisoner might object against it, and the court, if the appeal appeared founded, would grant immediate relief? With regard to words spoken elsewhere, was it not acknowledged, that no notice could be taken of words spoken in a former debate, nor even in the same debate, because no reliance could be placed on the correctness of the words complained of, unless taken down on the moment of delivery? Much less could notice be taken of words spoken in another place, the identity of which it was difficult to ascertain, and the drift of which it was impossible to fix, because it could not be proved that the words spoken were correctly the words which were complained of.

So much for the subject-matter of the complaint. And who was the complainant, and to whom did he complain? Not to the court itself, not to the House of Lords, but to that House; and the complaint, as had been before stated, came from the culprit. That House did not order the prosecution to please the culprit. Heaven forbid that it should! Nor did it carry on the prosecution for the satisfaction of Mr. Hastings, but to punish Mr. Hastings for his bribery and misdemeanors in India, as an example to future governors-general of Bengal. In the petition, Mr. Hastings, to carry the absurdity farther, not only alluded to words spoken in another place, but at another time; to words spoken twelve months ago, to words heard in the House of Lords without objection, words delivered before the criminal himself, without being noticed by his counsel at the time. Mr. Fox maintained that Major Scott had by no means correctly stated what had been the ex-

pressions of his right honourable friend. His right honourable friend had not said a word to insinuate that Mr. Hastings was an accomplice in the murder of Meeran, eldest son of Jaffier Ally Cawn. He would not believe that the honourable gentleman had so ordinary a mind, as to conceive what he had represented to the House to be the conduct of his right honourable friend. Heaven forbid, said Mr. Fox, that I should be in a situation to be accused; but were this to prove the case, it must become my interest to wish for one of the same mind with the right honourable gentleman to be my accuser. He added, that the honourable gentleman had ventured to declare that there was not one word in the petition which he could not prove; and desired the House to frame articles upon the charges to which the petition alluded. He protested that he was at a loss to conceive how the House could listen to such a proposition, and thought it unbecoming a member of parliament, to make that House the instrument of his personal resentment and malice against his right honourable friend; for such, in his idea, was the great object of the present attempt.

The honourable gentleman, Mr. Fox added, had said, that his right honourable friend had misrepresented the allegations in question, knowing it to be a misrepresentation. If it were so, and his right honourable friend had misrepresented the allegations wittingly, it undoubtedly would be the duty of the House to exclude his right honourable friend from any share in conducting the prosecution; but the fact was notoriously otherwise. The honourable gentleman had said, that the managers had stated themselves to be instructed to speak in the manner they had done by the House of Commons; undoubtedly, they had so stated themselves, because they felt themselves to be so instructed; but they all knew, that when they stated themselves to be instructed by the House, they meant generally, and did not confine themselves to words or expressions. With regard to the charges complained of, he should ever state them as his right honourable friend had done, both in public and in private, because he believed them, and should state them by such terms as they appeared to him to deserve. He desired the House to consider the difficulties the managers had to encounter. They had to contend with a most powerful criminal; a man who, for fourteen years, possessed all the patronage of India, and who had been enabled for a long period to confer so many obligations, that his connections at home were almost irresistible. They had likewise to contend with all the corruption of the East, and all the powers of the bar. They had to combat with other obstacles: and what had they to support them? The support of their

honour and their consciences; and he trusted they would be supported by the House of Commons.

He reminded the House of the effect of individual members coming down there, from time to time, to complain of words uttered in another place a year ago, and said, if the person accused was to be in perpetual litigation with them before that House, it would be almost impossible to go on with the prosecution at all. They were, he believed, the first persons who, being known not to possess the favour and support of the House of Commons on political questions, had ventured to undertake an impeachment; but was that a reason for deserting them? He trusted it was not. As long as the ministers for the time had been the managers of impeachments, it had generally happened that the House of Commons had been blamed for their intemperance; but, never was there upon their journals so clear a proof of an impeachment, managed by men who could have no view but a desire to do justice. There never was upon their journals an instance so honourable to that House and to the country. He trusted, therefore, that the House of Commons would not throw difficulties in their way, but act in an open, manly, and direct mode. If they imagined that they had been betrayed, and ought not to be accusers, let them confess their error, retract, and make honourable amends to Mr. Hastings; but do not let them act a double character, do not let them at the same time be the accusers and the defenders! The honourable gentleman had said, that there had been unwarrantable delays: that there had been extraordinary delays was true; but then it was to be considered, that they had, during the present session at least, been occasioned by a cause sufficiently extraordinary to account for them. When the honourable gentleman stated, that his right honourable friend had alledged what he knew not to be true, he was convinced that the whole drift of this business was to bring on a personal quarrel with his right honourable friend; and this, from a conception that he could not avoid bearing a just indignation against insult; but he begged leave to recommend to his right honourable friend to disregard any thing done with such a view. For his part, he declared, that neither the honourable gentleman nor his friends should, by any thing short of a personal attack, in the literal sense of the words, make him, or any of his friends, he hoped, produce a personal quarrel out of a public proceeding. He should consider every complaint that came from the honourable gentleman or the culprit as a personal compliment, and when he said this, he declared he did not speak of the honourable gentleman in respect of his character, but because he considered him as the agent of the ac-

cused. With regard to the motion, he was indifferent what became of it, and hoped its object was defeated: he could not, however, sit down, without conjuring gentlemen, for the honour of the House, and for the sake of justice, to consider the glaring impropriety of making the conduct of the managers, in the discharge of a public trust, a matter of personal attack.

Mr. Pitt and some other members declared themselves for receiving the petition, on the ground that Mr. Hastings, though the object of their accusation, did not cease to be the object of their justice, and therefore ought not to be deprived of the right belonging to every subject, of preferring a petition and stating a grievance to that House.

Mr. Fox rose again, and expressed his wish, that if the petition should be agreed to be brought up, gentlemen would decide in what manner they meant to identify the words spoken. If the managers were to be called upon to explain the drift of every speech they might make, it would not only prove a new but a fatiguing task. If the managers had done wrong, let the House employ others. He contended, that the petition which was the subject of debate, was without precedent in the annals of parliament. If it was to be received, it was proper that the House ought to know what kind of evidence was meant to be adduced to prove and identify the words of the managers. It was absurd to say, that the accuser was to be satisfied with whatever words the managers themselves might chuse to avow. Every part of the petition was new, except the spirit of it coming from Mr. Hastings, whose constant practice, throughout his whole life, had been to become the accuser of his accusers. Nundcomar had been the accuser of Mr. Hastings — Nundcomar was tried on the accusation of Mr. Hastings for a forgery, and executed. The managers, in the present instance, might probably have shared the same fate, had Sir Elijah Impey been their chief justice. If the managers had failed in the execution of their duty, let them be removed and others appointed in their room; there were many gentlemen well qualified for the task; and whoever undertook it would find that he and those with whom he acted, would not play the same game that had been played against them. They would find them the zealous supporters of a cause, in which not only the dignity of parliament, but the honour of the national character, was at stake. But if, after the fatigues of their duty in Westminster-hall, they were only to be obliged to defend in that House every word in their speeches which the prisoner at the bar or his agents might think extraneous

or irrelevant, he thought it would be better if the House were to appoint a committee, consisting of the honourable major and his friends, or Mr. Hastings himself, to revise and correct the speeches of the managers before they were spoken, lest any expression should be introduced which might be hurtful to his feelings. He could not but congratulate the honourable gentleman who had brought in the petition, on the support which had been given to a measure which he firmly believed was calculated to throw contempt and ridicule on their proceedings; but he trusted that the House would not desert those whom they had delegated for the execution of a task of such an arduous and complicated nature. The honour and character of the House of Commons were involved in the conduct of their representatives, who, from the peculiar situation in which they stood, were entitled not only to the protection but the indulgence of the House. It was absurd to say, that in a criminal charge nothing was to be alluded to which did not immediately relate to the charge. Suppose, for instance, a man was indicted for murder, and it afterwards appeared, that to accomplish that murder the culprit had broke open the house. The counsel for the prosecution mentions this fact, but is immediately stopped by the prisoner, "You are not to mention a syllable of the house breaking, because that of itself is a crime." Upon the whole, Mr. Fox hoped that the House would not be disposed to countenance a petition presented under the circumstances which he had stated.

Mr. Burke, after declaring that on the present occasion he should receive the decision of the House, whatever it might be, without any other emotion than what he should feel for the honour and reputation of the House itself, proceeded to explain the argument which had led him, in the course of it, to advert to the murder of Nundcomar, and to impute it to Mr. Hastings. The power of prosecuting and enforcing the charges against Mr. Hastings, under an injunction not to use one extraneous word, he compared to the giving Shylock the power of taking a pound of flesh, upon condition of his not spilling one drop of blood; a task which neither Jew nor Christian could perform. He added, that if the House was dissatisfied with his conduct, they ought to remove him, and not oblige him, in the midst of his accusation, to turn short about at the pleasure of the culprit to defend himself,—to-day an accuser, to-morrow a person accused. The drift of such artifice was obvious enough; and if the House should give it that countenance, and make him one day stand his trial there, and send him the next to Westminster Hall as the prosecutor of Mr. Hastings, it could not fail to cover them with ridicule and disgrace.—Mr. Pulteney, Mr. Marsham, and several other members, insisted strongly on the glaring impropriety of receiving the petition, from its being totally

unprecedented, and grossly disrespectful to the House of Lords, whose protection the complainant ought to have sought, and who were alone competent to interfere on the occasion. The motion was agreed to without a division. After which, Mr. Pitt observed, that an early day certainly ought to be appointed to take the subject-matter of the petition into consideration.

Mr. Fox remarked, that upon the present occasion he felt himself so unusually circumstanced, that he could not avoid dissenting from the right honourable gentleman over the way in one particular; and he was completely convinced, that what he was about to observe was right, and that the majority of the House would agree with him that it was right. No procedure could tend more to disgrace the character and honour of the House, which the right honourable gentleman had stated to be deeply interested in the prosecution, than to weaken the hands of the managers, by doing any thing which should reflect on their conduct; and therefore, instead of wishing that the petition should be taken into consideration on an early day, he thought that its consideration ought to be delayed as long as possible. He declared, that he said not this from any personal wish upon the subject; it was in that view indifferent to him whether it was entered upon that night or the next, being fully persuaded, that whenever it was gone into, the mention of what had been termed extraneous matter would be found to have been absolutely right and indispensably necessary. He thought that no men ever received such completely hard treatment as the managers had experienced, and he could not help having his feeling on the occasion, and therefore it was that he had spoken warmly upon the subject. With regard to the prosecution, he for one was determined to stick by it, as long as he could do so with honour; and when he said with honour, he did not mean honour as a principle of pride or punctilio, but as long as there was any prospect of rendering the prosecution effectual. The right honourable gentleman had said, that he hoped there was not a disposition any where to abandon the prosecution or to impede it. He hoped so too; but if, upon the discussion of the petition, the managers were disclaimed, they could not undertake to go on with the prosecution with any prospect of success, because it would appear that they were acting without the confidence and support of the House of Commons. Mr. Fox enlarged upon this argument, and the inconveniences which he feared would result from entertaining a complaint made by a culprit against his accusers; declaring, that he conceived all that he had mentioned, to be the natural consequence of the prosecution being in the hands of those who were not, generally speaking,

the favourites of the House. Therefore, it would be better to change the managers at once, than to let them remain acting under disabilities and difficulties thrown in their way by the House itself. Its character and its honour were interested in the prosecution, and it was of much greater consequence that the House should preserve its consistency, and either give its full confidence to the present managers or chuse others in whom it would repose confidence, than give a handle to its enemies to say that it acted in a prevaricating way, and indirectly endeavoured to cast inefficacy upon a prosecution which they themselves had instituted.

On the 30th of April a motion was entered on the journals, purporting, "That a petition having been presented by Warren Hastings, Esq. against the managers of his impeachment, and the name of the Right Honourable Edmund Burke being mentioned in the said petition, and that gentleman being in his place, the House will to-morrow take the matter of the said petition into consideration."

May 1.

On the order of the day for taking the petition of Mr. Hastings into consideration, Mr. Montague rose and read, as part of his speech, the following letter to him from Mr. Burke:

"My Dear Sir,

"With the consent, as you know, and the approbation of the committee, I am resolved to persevere in the resolution I had formed and had declared to the House, that nothing should persuade me, upon any occasion, least of all upon the present occasion, to enter into a laboured, litigious, artificial, defence of my conduct. Such a mode of defence belongs to another sort of conduct, and to causes of a different description.

"As a faithful and ingenuous servant, I owe to the House a plain and simple explanation of any part of my behaviour which shall be called in question before them. I have given this explanation, and in doing so I have done every thing which my own honour and my duty to the House could possibly require at my hands. The rest belongs to the House. They, I have no doubt, will act in a manner fit for a wise body, attentive to its reputation. I must be supposed to know something of the duty of a prosecutor for the public; otherwise neither ought the House to have conferred that trust upon me, nor ought I to have accepted it. I have not been disapproved by the first abilities in the kingdom, appointed by the same authority, not only for my assistance, but for my direction and control. You, who have honoured me with a partial friendship, continued without interruption for twenty-four years, would not have failed in giving me that first and most decisive proof of friendship, to enlighten my ignorance and to rectify my mistakes. You have not done either; and I must act on the

inference. It is no compliment to mention what is known to the world, how well qualified you are for that office, from your deep parliamentary knowledge and your perfect acquaintance with all the eminent examples of the ancient and modern world.

" The House having, upon an opinion of my diligence and fidelity, (for they could have no other motive,) put a great trust into my hands, ought to give me an entire credit for the veracity of every fact I affirm or deny. But if they fail with regard to me, it is at least in my power to be true to myself. I will not commit myself in an unbecoming contention with the agents of a criminal, whom it is my duty to bring to justice. I am a member of a committee of secrecy, and I will not violate my trust by turning myself into a defendant, and bringing forward, in my own exculpation, the evidence which I have prepared for his conviction. I will not let him know who the witnesses for the prosecution are, nor what they have to depose against him. Though I have no sort of doubt of the constancy and integrity of those witnesses, yet because they are men, and men to whom, from my situation, I owe protection, I ought not to expose them either to temptation or to danger. I will not hold them out to be importuned, or menaced, or discredited, or run down, or possibly to be ruined in their fortunes by the power and influence of this delinquent; except where the national service supersedes all other considerations. If I must suffer, I will suffer alone. No man shall fall a sacrifice to a feeble sensibility on my part, that at this time of day might make me impatient of those libels, which, by despising through so many years, I have at length obtained the honour of being joined in commission with this committee, and of becoming an humble instrument in the hands of public justice.

" The only favour I have to supplicate from the House is, that their goodness would spare to the weakest of their members an unnecessary labour; by letting me know as speedily as possible, whether they wish to discharge me from my present office; if they do not, I solemnly promise them, that, with God's assistance, I will, as a member of their committee, pursue their business to the end: that no momentary disfavour shall slacken my diligence in the great cause they have undertaken; that I will lay open, with the force of irresistible proof, this dark scene of bribery, peculation, and gross pecuniary corruption, which I have begun to unfold, and in the midst of which my course has been arrested.

" This poor Indian stratagem, of turning the accuser into a defendant, has been too often and too uniformly practised by Deby Sing, Mr. Hastings, and Gunga Govind Sing, and other Banyans, black and white, to have any longer the slightest effect upon me, whom long service in Indian committees has made well acquainted with the politics of Calcutta. If the House will suffer me to go on, the moment is at hand when my defence, and, included in it, the defence of the House, will be made in the only way in which my trust permits me to make it, by proving juridically on this accusing criminal the facts and the guilt which we have charged upon him. As to the relevancy of the facts, the committee of impeachment must be the sole judge, until they are handed

over to the court competent to give a final decision on their value. In that court the agent of Mr. Hastings will soon enough be called upon to give his own testimony with regard to the conduct of his principal: the agent shall not escape from the necessity of delivering it; nor will the principal escape from the testimony of his agent.

"I hope I have in no moment of this pursuit, (now by me continued, in one shape or other, for near eight years) shewn the smallest symptom of collusion or prevarication. The last point in which I could wish to shew it is in this charge, concerning pecuniary corruption. A corruption so great and so spreading, that the most unspotted characters will be justified in taking measures for guarding themselves against suspicion. Neither hope, nor fear, nor anger, nor weakness, shall move me from this trust.—Nothing but an act of the House, formally taking away my commission, or totally cutting off the means of performing it. I trust we are all of us animated by the same sentiment.

"This perseverance in us may be called obstinacy inspired by malice. Not one of us, however, has a cause of malice. What knowledge have we of Sir Elijah Impey, with whom, you know, we began; or of Mr. Hastings, whom we afterwards found in our way? Party views cannot be our motive.—Is it not notorious, that if we thought it consistent with our duty, we might have, at least, an equal share of the Indian interest, which now is almost to a man against us.

"I am sure I reverence the House as a member of parliament and an Englishman ought to do; and shall submit to its decision with due humility. I have given this apology for abandoning a formal defence, in writing to you, though it contains in effect not much more than I have delivered in my place. But this mode is less liable to misrepresentation, and a trifle more permanent. It will remain with you either for my future acquittal or condemnation, as I shall behave. I am, with sincere affection and respect, my dear Sir, your faithful friend, and humble servant,

"EDMUND BURKE."

The first difficulty that occurred relative to the mode of proceeding was, whether the House should go into proof of the truth or falsehood of the particulars which were complained of by Mr. Hastings as being false as well as irrelevant. Major Scott having offered to prove that the allegations were true,

Mr. Fox said he conceived that it was proper to permit the honourable gentleman to go fully into the truth of the allegations of the petition, and not to confine him to a naked statement of them. The petition pretended to accuse the managers of urging matters against the petitioner that were not relevant, and, at the same time, it charged them with having knowingly spoken falsehoods. It was material, therefore, to them, that the truth of the facts should be made out. The honourable gentleman had stated the petition as he conceived

it to be; he, on the other hand, had stated it according to what it was. The honourable gentleman had stated it as if the petition had been what he wished it to be, and what it ought to have been, and he did this with the greater confidence, because he seemed to have the countenance and support of a member of great weight in the House. He observed, that Mr. Hastings had so managed as to convert his accusers into defenders; and, under the word irrelevant, he had brought against them the worst charge that could possibly be urged—the charge of having uttered falsehoods at the bar of the House of Lords.

The Master of the Rolls having given his opinion, that the averment of the falsehood was no more than a protestation or formal plea of not guilty, on the part of the petitioner, and that, therefore, it was not necessary to go into the proof, the House acquiesced in his opinion.

Mr. Bouverie then moved, "That the House do now adjourn." This motion was opposed by Mr. Mitford, who observed, that too much attention could not possibly be paid to the allegations of the petition, if they turned out to be true: if they were not true, the petition, and the person who presented it, merited the severest censure. The articles were full of the foulest criminal charges, and Mr. Hastings was to be considered as a man who stood charged with those crimes. If he was guilty, he wished him to fall by the load of those crimes, and not by the weight of his accusers. Notwithstanding his profession, he had not lately been much acquainted with the proceedings of criminal courts, but prosecutions of the kind, he well knew, should be conducted so as to do honour to the House; and there were two things that ought to be strictly adhered to by those who conducted them; first, never to bring forward a fact that was matter of calumny to the accused, or to enflame the passions of those who were to decide as judges. The House would recollect, that a committee of the whole House, sometimes a larger, sometimes a smaller body, attended every day of the trial, to lend their countenance and support to the managers. It behoved the latter, therefore, to be extremely guarded in what they stated. If they asserted a calumny, the lords could not act with the same freedom that an ordinary court of justice, in such a case, could exercise. Every advocate at a bar who dared to advance what might affect the criminal's character, was amenable to the laws of his country. The lords could only stop a manager if he went into extraneous matter; they could not commit him, nor could he be punished. Mr. Hastings, therefore, very wisely, instead of appealing to the justice of the lords, had made application to the candour of the House of Commons, which alone could afford him redress. If that House, therefore, suffered any thing to be done, which was contrary to that delicacy which ought to be preserved, it degraded itself and acted unjustly. It was extremely possible, that the right honourable manager thought what he had said relevant; but, from his own explanation, it did not satisfy him: on the contrary, it

convinced him, that the original evidence was not cognizable in a court of justice. Minutes of council, they were told, would be read as evidence. They certainly were not evidence, nor could they be admitted as such, "The question now was, not what the House could do, but whether the House should take the petition into consideration at all. It was, in his opinion, the duty of the House to examine whether the allegations were founded, and if so, to ascertain afterwards what was to be done to afford the petitioner adequate redress.

Mr. Fox conceived that they ought not only to use as much delicacy in the present, as in any other prosecution, but even much more; and not one word should be uttered tending to inflame the passions, if the honourable gentleman meant to inflame them against reason. He admitted the justice of the remark, in cases of life and death, but said it was not so in misdemeanors; in the agitation of misdemeanors, it would chiefly consist of much aggravation on the one side, and much extenuation on the other. If he accused a man of murder, he should avoid every thing to inflame the passions; it was a trial of a fact; the verdict, if proof was given of the fact, was guilty, and death the known punishment. In conducting a trial for a misdemeanor by impeachment, the managers could not prosecute it like men, without adducing all in their power to inflame the passions and prove the enormity of the guilt. He thought it his duty to state that enormity in the strongest manner, but he should abuse the trust reposed in him by the House of Commons, if he said any thing which he could not and did not mean to prove, and which he did not, in his conscience, believe to be true. The truth of the allegations was not now the question, but their relevancy. He thought it a question in which the House should place an extensive confidence in the managers. It was, indeed, in that point in which they ought to repose the utmost confidence in them, as they were to judge what was relevant, and what was not; and this was what made their situation difficult; but "difficult" was a poor word to express it. It was a situation of uncommon difficulty. The House had appointed them managers; they had said, "You must adduce proofs, you must collect evidence, you must arrange and bring it forward; we, who will not take the pains to do it ourselves, instruct and authorize you to do it; but if we think you exceed your powers, if we see you introduce matter apparently irrelevant, before we have seen how you mean to apply it, and can judge whether it is material to the cause or not, we will disclaim it, and we will censure you." If any private man was to put another under such disabilities, there was no one who could be employed by any client whatever. They were bound not

to use impossibilities, and yet impossibilities were expected at their hands. The honourable gentleman had cut them up by the roots. He had conjectured what their evidence was, and then said it would not be admissible. Let the honourable gentleman have the presumptive confidence in the House of Lords, to give them credit so far as to suppose they would take care that nothing was received as evidence but what was admissible. Let the evidence go unprejudiced before the House, and not be prejudged in that House before it was offered in Westminster-hall. Were they debating on the petition only? No, they were discussing the evidence of the House of Lords. Mr. Fox said, he saw clearly it must ultimately come to this short question, "Were the managers, or were they not, deserving of the confidence of that House?" If not, let the House appoint others. Those who uttered calumnies of Mr. Hastings abused their trust; and what did those do, who were defaming the Commons of Great Britain by making them parties to calumnies which they disclaimed? The managers were in a strange situation, indeed! The trial of Mr. Hastings was necessary to be undertaken by those who were acquainted with the subject; the managers had undertaken it, and when they were tracing him through all his iniquities, they were to be charged with having done so merely for the purpose of calumny, for the purpose of loading him unnecessarily with new accusations! He warned them that they were establishing a principle that would tend to render all trials by impeachment ineffectual, if, whenever the criminal found himself pinched, he might cause a division among his accusers, by making them accuse themselves. He had always maintained, that if the managers abused their trust, they ought to be severely censured; but was it the business of the House to be told by the prisoner that they had done so? Should they be taught by the prisoner, whether those who had undertaken the prosecution were competent to the task or not? Was it likely that the Commons would be neglectful of their own honour? They attended, as the honourable gentleman had truly said, daily in different numbers in Westminster-hall; it was their duty to observe and censure, if they saw occasion, but not to proceed on the charge of the accused. The whole of the proceedings was contrary to common sense and to precedent, and ruinous to public justice. The petition stated many facts, but the only one relied on was that relative to Nundcomar. Was the charge new? On the contrary, had not his right honourable friend stated it to the whole house, with an effect never to be forgotten, last year, when the decision of the House not to impeach Sir Elijah Impey was recent? And were they now to be told, that

the House of Commons were of a contrary opinion, and that they had acquitted Sir Elijah Impey? He denied the fact. They had, by as small a majority as ever was known on a great question, resolved not, at that time, to impeach the chief justice, but was that an acquittal? So far from it, Sir Elijah was as liable to be impeached as ever, and the charge might be renewed the next day. If he were asked his private opinion as to the death of Nundcomar, he should answer that he thought it a murder, and what he would say in his private capacity, he would say in that House, or in Westminster-hall. It was his opinion, that Nundcomar was put to death for the basest of purposes. Mr. Hastings, in his petition, had said, bring forward the facts as charges. He said so, not because he wished to have them brought forward, but because he dreaded them. There never was a prisoner who called upon his accusers to bring forward fresh charges against him. The only proper answer to give him was, "We will bring them forward when we think fit." Before the charges were summed up, he had called for more, as if he, rather than the manager, was the proper judge when it was right to bring them forward. What, he asked, was the real injury done to Mr. Hastings, when they had declared they would prove what they had asserted? If it were not proved, his conduct was clear, and he would wait for proof; and if they did not bring proofs, Mr. Hastings would contend that they were irrelevant charges. If they failed, he might then say, 'Now it has come to the proof, and it is not proved.' He complained of the managers before he could shew any cause of complaint whatever; he felt himself pinched in that quarter to which the charge last opened had reference, and he resorted to the stratagem of accusing his accusers for the purpose of diverting the storm. Did he wait till they brought forward proofs? No, he presupposed a victory before an engagement. Was it not a well known rule, that the failure of an argument was an advantage to him against whom it was used? It was impossible to suppose, that in such a prosecution the managers could proceed without the protection of the House. If a complaint against the managers could be brought properly, it must come from a member of that House, who having been present at the time the words were spoken, had taken them down, and could authenticate them. It would then come in a manner worthy to be heard and to be acted upon: but when it came from Mr. Hastings himself, it was justly an object of suspicion. His right honourable friend did not stand alone in respect to this complaint; there was not one of the managers, had he stood in the situation that the right honourable leader had done, who would not have thought it necessary to have made

use of the same allegations. There was no difference of opinion, therefore, among those who had studied the cause. The presumptions, therefore, were all in their favour, and the proofs against Mr. Hastings. As long as they had an idea that there was a possibility of answering the end of public justice, they would abide by the prosecution. They had undertaken a difficult and dangerous task, and let it not be said, that they had brought it on themselves, because they had supplicated others of greater weight and authority, who professed to be friends to the prosecution, to assist them in the conduct of it, but they had refused. He hoped the House would not put them into so aukward a dilemma, and that those who would not assist, would at least not obstruct. Let it be remembered, that there never was a prosecution by impeachment before, in which the crown lawyers were not the chief managers. There had always been the attorney and solicitor general, the master of the rolls, or some of the other crown lawyers whom he saw opposite to him. If, therefore, these gentlemen would not assist, let them not impede; let them give fair play to their ill-sorted arguments, and if they had not time to aid, let them not find time to slur their proceedings, and to degrade their characters. It had been often said, when an opposition found fault with the measures of government, that it was not the measures but the men they objected to, and the reason was, they wished to be in place themselves. He wished the same saying could be applied in the present instance, and that the managers could observe, "You do not wish to find fault with the measures of the prosecutors, but to conduct the prosecution and be the managers yourselves." This standing joke against opposition he had always thought a miserable argument, and that the reverse of it was more likely to be the fact. On the present occasion, he wished the House would shew them how they could act better as managers; till then, they ought to agree to give them their confidence and support, or put an end to the prosecution at once. If the motion of adjournment should be rejected, he hoped that they would proceed to discuss the allegations, and call evidence to prove them, when he had no doubt but they would turn out to have been falsely stated.

Before he sat down, he must once more put the House in mind that Mr. Hastings had dared to come to that bar, read a defence, and after having taken credit to himself for the shortness of time in which he had been obliged to prepare it, had since deposed that the defence was not his, that he never wrote one word of it, that it was the production of his agent, and that he utterly disclaimed the whole. It was already sufficiently established that Mr. Hastings and his agent

shewed a thorough contempt for all adherence to truth. He declared that he would vote for the adjournment, because he should hope that some time hence the whole of the proceedings would be reprobated and expunged. He passed an encomium on the conduct of his right honourable friend Mr. Burke, and said he had acted with great propriety throughout the business. He had given the House as much satisfaction as was necessary, and feeling the indignity of being called upon as a defendant, by the culprit whom he had been directed by that House to prosecute, he had refused to do more. He admired his right honourable friend's conduct that day, in being absent, not less than his general conduct. The whole was manly, consistent, and dignified.

The question being put, that the House do now adjourn, a division took place.

	Tellers.			*Tellers.*	
YEAS	Sir Gilbert Elliot Mr. M. A. Taylor	97.—	NOES	Mr. Neville Mr. Sumner	157.

So it passed in the negative. It was next moved, "That Mr. Gurney, one of the short-hand writers of the notes taken at the trial of Warren Hastings, Esq. in Westminster-hall, be now called in." Sir James Johnstone called upon the Chair to know if there were any precedents for the proceeding proposed. The Speaker having answered, that he did not conceive it fell within the scope of his duty to state, whether there were any precedents or not,

Mr. Fox said, he thought the question extremely proper, and that if there were no precedents to go by, they ought to proceed with great caution in the establishment of one which might endanger their privileges. He owned he did not admire the examination of the short-hand writer; it was, he believed, the first instance of such a witness being examined, to prove words spoken by a member of that House in his senatorial capacity. The common evidence was that of a member who took down the words at the time, and could state, in his place, that he was present when Mr. Burke said so and so. If it once was admitted, that words uttered by a member were to be selected for censure, on the complaint of a person who was not a member, and that a third person, who was also not a member, nor connected with that House, was to give evidence of those words, it would be destructive of the privileges of the House, and might lead to dangerous consequences.

Mr. Adam urged the propriety of withdrawing the motion, and moving for a committee to examine precedents. Mr. Pitt remarked,

that it was only with respect to time that, in his opinion, the question could be regarded as important, and that as to the words respecting Nundcomar, those words had been confessed to have been spoken by Mr. Burke himself, and therefore they were relieved from any anxiety respecting the truth of the allegation.

Mr. Fox said, that he felt no hesitation in positively asserting that his right honourable friend had never admitted that he had spoken the words respecting Nundcomar, as they were set forth in the petition; and it was extremely material to mark the difference, because there might be members of that House who might think his right honourable friend highly blameable if he had said what the petition stated, and not blameable if he only said what he declared he had said. Whether his right honourable friend had spoken the words as he conceived him to have spoken them, or as the petition set forth, in either case they afforded ground for the declaration of the right honourable gentleman's argument, but that was the right honourable gentleman's private opinion only. The right honourable gentleman had declared he should be ready to meet the question, when it came before him; he declared, on his part, that he should be ready to meet it likewise, and to maintain that it might be necessary, in the prosecution of a small crime, to prove it by alledging a greater, and that point, when proper, he would contest with the right honourable gentleman, and he was sure he should have all the law on his side. With regard to Mr. Hastings complaining of the words, as words conveying a calumny, he would ever labour under some calumny, if the trial proceeded. With respect to the delay which appointing a committee to search for precedents would occasion, he was sorry for it; but let it be remembered, that this was a matter of great importance, and the sooner it was gone through the better. All the delay that had happened he lamented; but it had arisen from various extraordinary causes. The great events of this year had nearly swept away every thing else from memory. He, for one, thought Mr. Hastings's trial a proceeding in which the character of the country was concerned. The eyes of all Europe were upon them, and it was a matter which depended not on a division one day, or on a majority another; but on the consistency, steadiness, and honour of the Commons of England.

The previous question was then put, and the motion for calling in Mr. Gurney being negatived, Mr. Adam moved, "That a committee be appointed to inspect precedents, and to report to the House what evidence has been received, by the House, respecting any complaint of expressions or words used on the trial of any

impeachment, by any members of this House employed to manage such impeachment." This motion was carried by a majority of 102 to 17.

May 4.

The said committee reported, that there were no precedents of any complaint of words spoken by managers in Westminster-hall to be found. The managers again urged their objections to the examination of any short-hand writer; but the favourers of the petition, insisting upon the duty of the House to govern itself in such cases by what should appear most likely to promote the ends of substantial justice, prevailed; and, after a division of 115 to 69, Mr. Gurney, the short-hand writer, was called in, and examined. The next question was, whether all the particulars complained of by the petitioner should be inquired into, or whether the House might select what part they pleased. Mr. Pitt and others were of opinion, that the House ought to pay no attention to the words said to have been spoken in the former year, as the complaint had been so long deferred; and they should confine themselves to the words relative to Nundcomar. This was also objected to by the managers, as an arbitrary proceeding, but finally agreed to by the House. Another debate then took place upon the extent of the examination, as restricted to the case of Nundcomar. The managers contended that the whole of that part of Mr. Burke's speech ought to be produced, as necessary to elucidate the nature of the words complained of; the other side were of opinion, that it was only necessary to ask the witness if Mr. Burke had made use of those express words. After much altercation, in which Mr. Fox complained in strong and pointed terms of the indignity and injustice with which the managers were treated, it was agreed that some part of the speech preceding the words should be read; which being done, and the offensive words ascertained, the Marquis of Graham rose, and moved, "That no direction or authority was given by this House to the committee appointed to manage the impeachment against Warren Hastings, Esq. to make any charge or allegation against the said Warren Hastings, Esq. respecting the condemnation or execution of Nundcomar." Mr. Sheridan asked if that was the only measure intended to be brought forward, or whether it was to be followed up by any other resolution? The Marquis of Graham answered, that at present he knew not of any other intended resolution.

Mr. Fox observed, that, granting this to be the case, he saw no objection to it, and should not trouble the House with any arguments against it, since subsequently to the passing of the motion it would prove fully competent for his right honourable friend (Mr. Burke) or any other manager, to repeat the same expressions. He begged to have it understood, that the reason why he acquiesced in the motion was, because it

implied no censure on his right honourable friend, and because he could not take this declaration of the House for any proof that it was wrong, according to the opinion of the House, in his right honourable friend to have introduced the words relative to the murder of Nundcomar. There was not one word in the resolution which implied that his right honourable friend ought not to have made the charge in the way he did. Mr. Fox, entering into a distinction between a murder technically so called, and a murder morally and substantially considered, desired to recal to the minds of gentlemen, that last year an honourable baronet (Sir Gilbert Elliot) brought forward the business of Sir Elijah Impey, and accused him of a legal murder. He had himself, Mr. Fox declared, said it after that honourable baronet, and neither of them met with any censure. And why? Because neither of them talked of a murder in the technical sense of the word, but as a misdemeanor. His right honourable friend brought no charge of murder, as a direct charge of murder, but in the course of opening another charge, he introduced the imputation, in order to prove, that if Nundcomar's evidence was attempted to be discredited, he should bring forward facts which would shew, that those who attempted to discredit Nundcomar, had acted basely, and deserved discredit themselves. Adverting to what had fallen from the attorney-general on the preceding Friday, he observed, that the honourable and learned member had made a declaration relative to the eyes of all Europe being upon us, and that a stain had been cast on the criminal justice of the country. It would be disgraceful to the honourable and learned gentleman's character, if, after such a declaration, he did not come forward with a motion to remove the managers that night. The right honourable the chancellor of the exchequer had been pleased to talk of his good sense and good temper. He was always proud of that right honourable gentleman's praise; but he really knew not what it meant. If it meant that the present motion was an indirect censure upon the managers, and that it was intended to restrain the managers from carrying on the prosecution in the manner which, in their judgment, was most likely to insure success, then it must put an end to the trial. If they were to look upon it as a declaration that they were to go on with the trial, but that it was as much as to say, "Take heed, gentlemen, you speak at your peril, and if you allude to the execution of Nundcomar, we will censure you;" if it meant that, he must say, that the present managers were not men for such treatment. They considered themselves as warranted in proceeding according to the best of their judgments, always subject to the opinion of that House. They

had flattered themselves, that there was some feeling and generosity in the House; they had flattered themselves that they had the confidence of the House; they had flattered themselves that if they did not deserve the confidence of the House, they should not be suffered to stand in the despicable situation of having the prosecution in their hands, without that confidence. If they did not merit it, he trusted they should be fairly and distinctly told so. Let gentlemen recollect that the House was composed of three different descriptions of persons; of the warm and zealous friends of the prosecution, of the enemies of the prosecution, and of those who professed to be friends of the prosecution, but who, lending their weight to the enemies of the prosecution, made their scale preponderate. Would not this latter fairly shew that the judges were not the friends but the enemies of the prosecution; and while this was so, it must be evident that the enemies to the prosecution must prevail. In respect to the future progress of the prosecution, the managers must act to the best of their judgment. Was the motion meant as a censure, or was it not? Let gentlemen speak out fairly. If it was, they should know what conduct they ought to follow. He knew the opinion of the right honourable the chancellor of the exchequer on the charge relative to Cheyt Sing, to be different from his; notwithstanding which he had delivered his own opinion at the bar of the House of Lords, and not that of the right honourable gentleman. If in summing up the present charge, he should feel it proper to say, that the execution of Nundcomar appeared to him to be a murder, he would contend farther, that in accusing a man of one misdemeanor, he might support it by another. Mr. Fox illustrated this point, by the case of a captain of a ship, against whom murder was charged, on account of his having thrown his slaves overboard, in order, by that charge, to defeat the owners' claim of insurance. He declared that he saw no principle of law, reason, or justice, why he should not, in support of one charge, call in the aid of another, to make it strong and complete. If it should fall in his way to mention the execution of Nundcomar, he must mention it as one which involved in it morally the crime of murder. He declared openly and plainly what he conceived to be his duty; and as to the general effect of what had passed on the subject, it remained neither for the right honourable gentleman nor him to say. He declared that he thought the proceedings of the last few days infinitely disgraceful to that House, and infinitely dangerous to every future impeachment, and though it might be late to move any thing then, yet should he ever have a prospect of a majority, he would attempt to expunge from the journals all the proceedings on the

subject. Those who had examined the constitution of the country with a political eye, would agree that more danger to the privileges of the House had occurred within these few days than for a century past; because, though every part of our constitution tended to give it strength and cohesion, there were certain corner stones, main props, and timbers which were essential to its longevity and existence. The privileges of parliament, and the inquisitorial powers of that House were of this description, and they would be materially affected by the present proceedings.

Mr. Sheridan said that he certainly had declared in Westminster-hall, that he thought the execution of Nundcomar a foul murder. Would any gentleman who had read the trial declare that he was conscientiously convinced that he ought to have been executed? If the House commanded him not to allude to the transactions in question, he should certainly pay obedience: but if it did not, he should think that he deserted his duty, if he omitted to charge Nundcomar's execution as a murder. Mr. Windham declared that his right honourable friend was strictly authorized in what he did. If it were wrong, the House of Lords had not fulfilled their duty. And, should they presume they had not? He said that the managers were put into the most degrading situation in the world, but that no person was disgraced by any circumstance which did not arise out of his own conduct; and their conduct, he trusted, was such, that the House might rain and thunder its menaces, whilst they would not only bear the fury of the storm, but burst forth from it even with augmented splendor. Mr. Pitt begged leave, in answer to the insinuations of three honourable gentlemen, whether they ought not to be afraid of voting the question, lest it should be made a pretext for quitting the prosecution of justice, to assure them that he, for one, should be of opinion that no such pretext could be taken. Mr. Fox, he said, had talked of his dictating what should and what should not be their conduct; he should hold himself guilty of strong presumption indeed if he were to dictate to the House; but he never would shrink from giving his opinion, as a member of parliament, upon every subject which came under discussion in that House; and as the honourable gentlemen were so anxious about the honour of the House, he advised them to take care of their own honour, and he and those who acted with him, would on their part, prove at least equally cautious of the preservation of theirs.

Mr. Fox answered, that he felt himself justified in still persisting to declare that he would call Nundcomar's execution a murder, unless that House told him to the contrary, and that the managers ought to be enabled to understand explicitly what the motion meant. The right honourable gentleman had said he would not shrink from delivering his opinion. He knew not how the right honourable gentleman might act, but no

tyrant ever sent men to a more arduous and perilous service than that which the managers were sent upon. * There never were such duplicity and treachery as the conduct pursued that day. They meant to cast a slur on the proceedings of the managers, and were afraid to avow the violent injustice of such an intention.

The Marquis of Graham said, that he had wished not to act otherwise than delicately towards the managers, but the debate had changed the face of things, and since they insinuated that they could not go on without getting themselves into a considerable scrape, because the motion did not condemn the words already spoken, he would move an amendment in order to remove that objection. The Marquis then added to the motion these words, "And that the words spoken by the right honourable Edmund Burke, one of the said managers, viz. 'he (meaning Warren Has-'tings, Esq.) murdered that man, (meaning Nundcomar) by the 'hands of Sir Elijah Impey,' ought not to have been spoken." Colonel Phipps seconded the motion. With regard to the confidence of that House, the managers had possessed, and would be honoured with it, unless they forfeited it by acting in a very absurd manner; but they certainly had been indulged by the House to so great a degree that it appeared to him that they were in danger of becoming spoilt children, and doing mischief if they were not checked in time.

Mr. Fox rose to move an amendment, by adding at the end thereof the following words: "Although in the charge exhibited by the Commons of Great Britain, upon which the House voted the impeachment, there are the following words, viz. 'That the evidence of this man, (meaning Nundcomar) 'not having been entered into at the time when it might and 'ought to have been done, by the said Warren Hastings, re-'mains justly in force against him, and is not abated by the 'capital punishment of the said Nundcomar, but rather con-'firmed by the time and circumstances in which the accuser 'of the said Warren Hastings suffered death,' and to which charge the said Warren Hastings at the bar of this House, made the following answer, viz. 'To the malicious parts of 'this charge, which is the condemnation of Nundcomar for a 'forgery, I do declare, in the most solemn and unreserved 'manner, that I had no concern either directly or indirectly, 'in the apprehending, prosecuting, or execution of Nundco-'mar:' and although the managers who have been appointed by the House to arrange the evidence and enforce the charges against the said Warren Hastings, are of opinion that the aforesaid declarations, used by the said right honourable Edmund Burke, were essentially necessary to the support of one

of the principal charges voted by this House."—These amendments having been read from the chair, Mr. Fox remarked, that the only person on the other side the House who had delivered his sentiments plainly and without the least reserve, was the honourable gentleman who spoke last; and he ventured openly to declare that the conduct of the managers had been absurd and unjust. With what face, Mr. Fox said, could they go into Westminster-hall and carry on the trial, when they must know that the court would have heard that they were the most unjust and absurd men the House of Commons could select out of their whole body to conduct the proceedings? Undoubtedly, in the articles of impeachment the murder of Nundcomar was omitted, because it was not so much an object of charge, as a proof of charge. Mr. Hastings had answered it himself, therefore, he had thought it material to state, that if the House of Commons censured a manager, he had the applause of every man engaged in the same cause. With regard to the first motion, he did not object to it, because it implied no censure; he objected to the present, because it did imply a censure. This was a most extraordinary proceeding. Instead of an instruction to the managers how to act in future, which ought to have been voted, the House were called on to vote a censure for what was passed. Because, as was at first declared, no censure was to be passed, the noble marquis had moved a censure. They meant at first to carry a courtly concealed censure. Now they were about to vote a direct censure. It shewed the spirit of their proceedings, and that they chose to act with the duplicity with which they were charged. Such conduct in the two honourable gentlemen who moved and seconded the motions, was in the highest degree scandalous and indecent.

Here Mr. Fox was called to order by Colonel Phipps, who declared he would not be told that he acted in that House with duplicity and treachery, nor that his conduct was in the highest degree indecent and scandalous. Such language ought not to be used within those walls, and would not be tolerated between gentlemen, nor perhaps ventured to be spoken in another place. The cry of order was general from the opposition side. Mr. Fox said, he held the honourable gentleman's words in the utmost contempt. Mr. Francis said, in the hearing of the Chair, that the honourable gentleman had thrown out a menace. Mr. Pitt moved, "That strangers should withdraw." The gallery being accordingly cleared, Mr. Pitt supported the motion of the Marquis of Graham in a long speech. In reply to which,

Mr. Fox declared, that with respect to one point which related to what he had said on a former occasion, the right

honourable gentleman had most cruelly perverted the meaning of his remark. Mr. Hastings in his petition complained of certain things not being brought to proof, and had prayed the House that they might be formed into specific charges. These, Mr. Fox said, related to Deby Sing, and he was satisfied, in his own mind, that Mr. Hastings desired that the charges might be specified, not with any view that they should be so done, but because he dreaded their specification, and thought the best way to prevent it was to appear desirous to have them specified. He had, in a former speech, stated, that the words relative to Nundcomar were relevant to the charge of corruption. The right honourable gentleman denied it; and because he conceived that the mentioning of Nundcomar's execution was irrelevant to the charge, he took it for granted that every man's mind was as satisfied as his own, and he argued it accordingly; but when he argued that opinion, the right honourable gentleman was prejudging the Commons at the bar of the House of Lords, because that was matter of evidence, on the admissibility of which the Lords were to determine. Another mistake of the right honourable gentleman was, his conceiving that if the business was not in the charge, it was forbidden by the House of Commons. By the same reason, the right honourable gentleman might imagine that every tittle of evidence was irrelevant, because the evidence made no part of the instruction of that House. Mr. Fox drew the distinction between a charge, as originally submitted to the House for them to vote, and the articles of impeachment carried up to the House of Lords to be proved. The first was loosely drawn, and contained not only the facts alledged, but the evidence; whereas the articles contained nothing but the facts, without a tittle of the evidence; and that mode of proceeding, he declared, he had learnt to be the proper one, from the first law authorities in that House. The right honourable gentleman had contended, that it would be impossible for them to prove the charge of Mr. Hastings having a share in the murder of Nundcomar, at the bar of the House of Lords. That was a business for the House of Lords to determine, and not for them. As to the arguments that a greater crime could not be adduced, in support of a charge for a less, these, he observed, were now all given up; the whole, therefore, rested on the plausible inference that Mr. Hastings, or any one who received an injury, and could not obtain redress any where else, might receive it from the hands of that House. Mr. Fox undertook to prove that this was not the fact, and that Mr. Hastings had his remedy elsewhere, either by appealing to the House of Lords, or by his action at law against his right honourable friend, (Mr. Burke,) and nothing, he said,

could prevent this latter remedy, but either the privileges of the House of Lords, or the privileges of the House of Commons. He could not conceive that the privileges of the House of Lords extended to the protection of the right honourable manager, speaking at their bar, any more than to a counsel for words delivered at their bar. If it was the privileges of the House of Commons, it must be, that they could not receive accounts of words spoken by one of their own members from any but their own members. And that he took to be the true state of the fact; because it would be equally disorderly to refer to the strangers in the gallery, and to call upon any person who happened to be there during a debate, and was known to be an excellent note-taker for a newspaper and to have an extraordinary correct memory, to prove what Mr. Fox said on his legs, as to admit the evidence of a stranger to prove to that House what Mr. Burke said in Westminster Hall. If words which were authentic had been spoken at the bar of a court of justice, and had not been taken notice of by the court, it was a fair inference that the court did not consider them to be improper, but if any parliamentary proceeding was to be had upon them, no one ought to be heard upon the subject, but a member of the House. The right honourable gentleman, he observed, had asked whether the managers expected the House to repose in them a complete and even blind confidence, and to set them free from every species of control? Undoubtedly not; but the right honourable gentleman might argue as he pleased concerning the subject of confidence. What would the public think, when they found the managers deprived of the confidence of that House? With regard to the question of corruption, he conceived that the managers had the orders of that House to act as they had acted; and if they were to exercise their own arguments on what could prove or aggravate the facts, they must proceed to do as appeared to them most likely to obtain success. The right honourable gentleman had contended, that they were not to argue; that because the matter was not taken notice of last year, they were to consider that omission as a precedent; but the fact was, that it was attended to last year, and when his honourable friend near him had said, "no authority, however high, should prevent his saying that Nundcomar's execution was a murder," there was the fullest and the most attentive House of Commons present that ever went into Westminster-hall, and yet no notice whatever was taken of his honourable friend's declaration at the time. He supposed, in the Benares charge, when the defence came to be made, there would be a reply also to that defence, in which it might be necessary to take notice again of some facts and allegations of which Mr. Hastings might complain to that House. Then

the right honourable gentleman would say, "You last year exceeded your instructions." Instructions! the managers had no instructions, but that of consulting their own judgments. Without meaning, therefore, to give personal offence to any gentleman, he must still say, that the conduct of the House on that occasion was characterized by duplicity and treachery; they had entrapped the managers into this degrading situation; for, were they of their own chusing, of their own appointing? No! they were chosen and appointed managers by the House of Commons. Suppose the case in private life. He had an advocate to plead his cause; he did so and so; suppose he was displeased with that advocate's conduct; suppose he did not approve of what he said in pleading his cause; what would he or any man do in such a case? Would he not say, naturally, he would have another advocate? He could not censure, because his advocate had acted to the best of his judgment. So that House had no right to censure the managers for an error in judgment. They gave them no compass to steer with, no line by which to regulate their conduct. That House, then, had a right to dismiss them, but nothing more. If the public conceived that they ought still to go on with the prosecution, and that the confidence of that House was not withdrawn from them, they would still persist in it, while they had a prospect of carrying it on with effect. He remembered the remark of the right honourable gentleman, that if the Irish propositions did not pass, he could not be an useful servant to the public. He also feared, if the motion passed, he could not be an useful servant to the public. To retain a situation, when the person retaining it knew that he could not hold it to any purpose, was neither honest nor honourable. And for that House to say, "Go on with the prosecution, though we will not suffer you to prosecute it with effect," was in words to speak for the prosecution, in action to go against it. If his right honourable friend had conducted himself improperly in a situation in which he acted for others, as far as his judgment required, the fault lay with the employer, and not with the employed. His right honourable friend had done justice to God and man, and he deserved no censure.

Mr Fox's amendment was negatived without a division. The House then divided on the Marquis of Graham's motion,

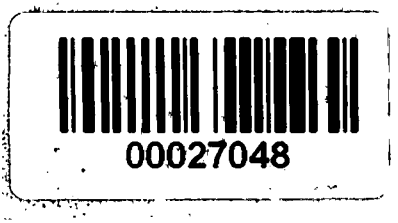
	Tellers.			*Tellers.*	
YEAS	Lord Belgrave Mr. Rose	135.	NOES	Lord Maitland Sir James Erskine	66.

So it was resolved in the affirmative. Mr. Bouverie, as soon as the House was resumed, moved "That the thanks of this House be

given to the right honourable Edmund Burke, and the rest of the managers, for their exertions and assiduity in the prosecution of the impeachment against Warren Hastings, Esq., and that they be desired to persevere in the same." The master of the rolls considered the motion as not merely premature, but extremely improper, at that moment, just as the House had voted a censure upon one of the honourable managers; and therefore, without meaning any personal incivility to any of those honourable gentlemen, he should take the liberty of moving the previous question on the honourable gentleman's motion. This motion was agreed to. In consequence of the preceding votes some difference of opinion is said to have arisen in the committee of managers, relative to their continuance in that situation. It was, however, resolved to proceed; and accordingly, the next day of trial, Mr. Burke began his speech by commenting on the relative situations of himself and of the prisoner at the bar, and on the decision of the Commons with respect to their proceedings. It was his duty, he observed, as a manager on the part of the Commons to illustrate and enforce, by every proper means, the guilt of Mr. Hastings. He had, in the pursuit of justice, laboured to the best of his power and judgment; but in consequence of a recent proceeding of those by whom he had been delegated, he was to inform their lordships that certain expressions of his, charging Mr. Hastings with the murder of Nundcomar, through the agency of Sir Elijah Impey, had been disavowed by the Commons as unauthorised by them. He did not mean to arraign the justice of this decision—he would not even complain that it wore not the complexion of support to the managers whom they had appointed. The decision went of course to narrow the line of their proceeding, yet should not restrain their efforts to *use* their remaining powers with the utmost vigour and effect. But still some explanation was due from him to their lordships, to members of the House of Commons, and to so respectable an auditory. He had undoubtedly charged Mr. Hastings with the destruction of a witness whose evidence was necessary to the present charge; and which the prisoner had, of course, endeavoured to invalidate. In stating this, however, he had said no more that what he really believed, and what, if necessary, he trusted he should be able to prove. He had used the word murder, not, perhaps, in the strictly legal, but in its moral and popular sense, to denote a crime, which stood, according to his conception, on the same line of enormity, but which the poverty of language did not afford him another word to express.

END OF THE THIRD VOLUME.

Strahan and Preston,
Printers-Street, London.


00027048

Digitized with financial assistance from the
Government of Maharashtra
on 28 September, 2015